



Appeal Decision

Hearing Held on 21 October 2020

Site visit made on 4 November 2020

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/Q5300/W/20/3245024 Longbourn, Forty Hill, Enfield EN2 9EU

- 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 Ms H Tindale against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02826/FUL, dated 9 August 2019, was refused by notice dated 2 October 2020.
 - The development proposed is described as the use of the premises for a mixed Class C3 (residential) with Class C1 (guest house and retreat use), with up to 6 bedrooms to be used for paying guests.
-

Decision

1. The appeal is allowed and planning permission is granted for the use of the premises for a mixed Class C3 (residential) with Class C1 (guest house and retreat use), with up to 6 bedrooms to be used for paying guests at Longbourn, Forty Hill, Enfield EN2 9EU in accordance with the terms of the application, Ref 19/02826/FUL, dated 9 August 2019, subject to the conditions set out in the attached schedule.

Applications for Costs

2. Prior to the Hearing written applications for costs were made by Ms H Tindale against the Council, and by the Council against Ms H Tindale. At the Hearing the main parties amended their costs applications by oral submissions. These applications are the subject of separate Decisions.

Preliminary Matter

3. Due to the Covid-19 pandemic I was not able to enter buildings at the appeal site. With the agreement of the main parties I made an unaccompanied site visit, including observing most ground floor rooms through windows.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the housing stock;
 - whether it would be an appropriate use in this location;
 - its effect on highway safety, having particular regard to parking and servicing; and

- its effect on the living conditions of the occupiers of the Coach House, having particular regard to daylight, sunlight, outlook, privacy, overlooking, noise and disturbance.

Reasons

Housing Stock

5. Longbourn is a substantial detached house with over 20 rooms, including 9 bedrooms, on the edge of Enfield and greater London. It is within a row of dwellings along one side of Forty Hill road, facing the landscaped grounds of the Forty Hall Estate. Within the appeal site on one side of Longbourn, across a courtyard, is a detached outbuilding (the Coach House) and on the other side is a smaller side garden with a large, verdant main garden to the rear. Longbourn is a Grade II listed building (the LB) in the Forty Hill Conservation Area (the CA). It is also in the Metropolitan Green Belt (the GB).
6. The current owner occupies Longbourn as a family residence and, on the evidence before me, the first floor of the Coach House is a self-contained 2-bedroom flat let to tenants. The appellant is a prospective purchaser of the appeal site. The appeal proposal would establish a mixed use comprising Class C3¹ residential and, after redeveloping some of the residential floorspace by change of use, a Class C1 guest house and 'retreat'² (the business).
7. It was clarified at the Hearing that the appellant would occupy part of Longbourn and up to 3 bedrooms as a family home and as the owner and operator of the business. This part would include the kitchen which would also be used for the business, eg to prepare meals for guests. The appellant's parents may also live in Longbourn as an extended family unit and may require a 'live in' carer. The appellant may also employ a manager to live at the appeal site to run the business on a daily basis. These accommodation needs would be met in Longbourn or, in part, in the Coach House. When the business was not in operation, or at less than full occupancy, the appellant may use other rooms in Longbourn or the Coach House for family use. Any rooms at the appeal site not required by the appellant's family or the business may be let to tenants.
8. Even if there is a lawful use of the Coach House as a self-contained residential unit (by a planning permission or immunity from enforcement action, as the Council contends) there is no evidence before me to suggest that it could not nonetheless be used as a detached residential annexe to Longbourn. In which case a self-contained residential unit could in this sense be 'lost' to the housing stock irrespective of the appeal proposal.
9. Nonetheless, the appeal proposal would result in a loss of some residential floorspace at the appeal site, including fewer bedrooms for C3 residential use in Longbourn. While this might not be a permanent outcome (eg Longbourn could return to C3 residential use in the future) meantime, due to a reduction in floorspace, an existing residential unit and family home would in this sense be 'lost' to the housing stock, as the Council argues. In the context of the considerable housing stock in London, and even in the Council's borough, the amount of floorspace would be relatively insubstantial and the appeal proposal would therefore result in limited harm in this regard. It would conflict with Policy 3.14(B) of the London Plan, March 2016 (the LP) and Policy DMD4(1)(a)

¹ Town and Country Planning (Use Classes) Order 1987, as amended.

² The 'retreat' is explained in the 'Use and Location' main issue below.

of the Enfield Development Management Document, November 2014 (the DMD). These policies include that development should resist the loss of housing by net loss of residential floorspace.

10. However, the Council has not substantiated any specific recent, current or future housing need (or demand) to justify that it is necessary to retain a house the size of Longbourn for large single family use, or alternatively that it should be sub-divided into smaller flats, as suggested by the Council. Whereas, I note that the owner has marketed Longbourn with reputable agents for a significant period of time (approximately 5 years) and, though the reasons why are not before me in evidence, despite a number of price reductions it has nonetheless not sold as a large family home.
11. Furthermore, the appeal proposal is for a 'mixed' use of the appeal site and this therefore does not necessarily mean (or require) an equal apportionment of uses. Even if, as measured by floorspace area or percentage, the business would utilise a majority of Longbourn, provided a mixed use subsisted the C1 use would not render the C3 residential use 'ancillary' to a 'principal' or 'dominant' C1 use, and no longer be a residential unit or a family home, as the Council otherwise suggests. In this regard empirical measurement is not the only determinant and the appellant's occupation of Longbourn as a family home is a significant component in the balance of the mixed use in this appeal.
12. In addition, co-location of a C3 use within the same building as the C1 use, and thus that the C3 use was not physically or spatially 'separate' from the C1 use, or that it would be occupied by the owner or operator of the C1 use, does not mean a residential unit or a family home would not exist, as the Council also otherwise suggests. Operating a guest house in conjunction with a family home reasonably anticipates a degree of flexibility in how some living accommodation and garden space might be used or shared.
13. I note that the Government's nationally described space standards have been adopted in a development plan by the Council. While I acknowledge that some of the 'family' rooms would be reasonably modest in size, these would nonetheless provide satisfactory living conditions for a family and the Council has not argued that the proposed C3 residential accommodation would not meet the space standards. On the evidence before me³ I have no reason to find otherwise in this regard.
14. Accordingly, I consider that Longbourn would contain a sufficient number, size and type of rooms, and would have a suitable internal layout, to provide satisfactory living conditions for a permanent self-contained residential unit and family home, including a garden which could conveniently be apportioned, eg the side garden in family use and the main rear garden for guests. How the appellant wants or needs to occupy Longbourn, or the Coach House, to meet these family and business needs, within the parameters of the description of development (and any relevant conditions imposed, were I to grant planning permission) is largely a matter for the appellant.⁴ Consequently, while the appellant's intentions in these regards for occupation of the accommodation at the appeal site are still fluid, the proposed C3 and C1 uses are not therefore mutually exclusive or fundamentally incompatible in this appeal.

³ Including the appellant's plans and photographs.

⁴ Subject to any other regulatory requirements or approvals that may be required.

15. Considering the above (and my findings in the main issues below) the appeal proposal would provide acceptable replacement uses,⁵ including that it would retain a residential unit and a family home and there would therefore be no loss to the housing stock in this respect. This would be a significant benefit of the development. It would accord with LP Policies 3.3, 3.4 and 3.14(B), DMD Policy DMD4(1) and Policy CP4 of the Enfield Core Strategy, November 2010 (the CS). These policies include that development should not result in the loss of homes and housing (ie residential units and, in particular, family homes), should optimise housing potential including to provide choice in meeting housing needs and have a satisfactory standard of accommodation and amenity space.
16. It would also reflect paragraphs 59, 117, 118 and 127 of the National Planning Policy Framework (the Framework). These include that development should address the needs of groups with specific housing requirements, make effective use of land in meeting the need for housing and other uses while ensuring safe and healthy living conditions, encourage multiple benefits, optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development through mixed use schemes and have a high standard of amenity for existing and future occupiers.

Use and Location

17. It was clarified at the Hearing that the proposed guest house would include a traditional bed and breakfast and a 'residential and green retreat'. The retreat (see below) would operate on alternate weeks, including weekends, for up to 6 guests using up to 6 bedrooms in the C1 part of Longbourn. The bed and breakfast would operate in the intervening weeks, but not at weekends, also with up to 6 bedrooms. Some retreat guests could stay longer than a week (though not permanently) and overlap with the bed and breakfast use. Fewer than 6 bedrooms could be in C1 use if guests were couples.
18. The retreat would allow some guests to participate in structured activities in some ground floor rooms of Longbourn (the residential retreat) and in the garden (the green retreat) — such as painting, writing, pottery and yoga — as part of their stay for therapeutic relaxation, health and well-being reasons. The appellant would also establish some links to the NHS and GP doctors, although the retreat would not include the provision of 'care', such as personal or medical care, and would not therefore be within Class C2⁶ or be a formal, regulated health or social care facility. These aims are a compelling motivation for the appellant for the personal family reasons that she explained at the Hearing. While I have had regard to these reasons, I have also borne in mind that this development could remain long after these personal circumstances have ceased to be material.
19. Nonetheless, I consider that the balance of accommodation in Longbourn (ie, which would not be in C3 residential use) would be sufficient in number, size, type and stature of rooms, and would have a suitable internal layout, for the guest house and residential retreat. Furthermore, the main rear garden, in particular, is well contained by reasonably high walls, fences and hedges and includes a lawn, a pond, trees and shrubs. It would therefore provide an appropriate landscaped, secluded and tranquil environment and green retreat

⁵ LP paragraph 3.81.

⁶ 'Residential institutions' - Town and Country Planning (Use Classes) Order 1987, as amended.

for guests. Outwardly, and in the context of its immediate residential and semi-rural surroundings, there would be little or no apparent adverse change to the use of buildings and gardens at the appeal site in these regards.

20. There is an identified lack of visitor accommodation in the borough⁷ and also a need to reduce pressure on central London for the provision of visitor accommodation.⁸ This is not disputed by the Council, nor has the Council provided any evidence in this appeal about conflict with the number or proximity of other visitor accommodation, if any, in the immediate vicinity of the appeal site.
21. I accept that for the purposes of the 1st bullet point of CS Policy CP12 the appeal site is not in Enfield Town centre and I appreciate that the Council considers that its location is not well served by public transport, as measured by its 'very poor' 0 rated Public Transport Access Level (PTAL), thus that it would not accord with this policy in these regards. I also appreciate that the supporting text to DMD Policy DMD31 contains similar criteria and requires that it is read in conjunction with CS Policy CP12. However, in contrast to CS Policy CP12, I note that in DMD Policy DMD31(1) only development for hotels must meet either of these two locational criteria — these do not apply to guest house or bed and breakfast uses, which are considered separately in DMD Policy DMD31(2).
22. Having regard to Planning Practice Guidance (PPG)⁹ the DMD is a more recently adopted plan and accordingly I resolve this conflict in policy in favour of DMD Policy DMD31(2). I also note that this policy does not require development to demonstrate a specific need or justification for a guest house use (though nor does CS Policy CP12) and which is what the appellant has specifically applied for. Moreover, were I to grant planning permission a condition could limit use at the appeal site to a guest house, not a hotel.
23. Considering the above, the proposed guest house and complementary retreat would be an appropriate use at the appeal site in an appropriate location. These would be significant benefits of the development. It would accord with DMD Policy DMD31(2) and the first sentence of the 1st bullet point of CS Policy CP12. These policies permit development for guest houses and bed and breakfast use (Use Class C1) subject to criteria, including DMD Policy DMD31(2)(a) and (b) which require the size and character of the site or building to be suitable for the proposed use and compatible with the character and appearance of the area, and in (c) to avoid an over concentration of guest houses in the locality.
24. In addition, DMD Policy DMD31(2)(g) — provision of on-site accommodation and training for staff — could be achieved in due course by the appellant, but even if it were not there is no evidence before me to suggest that this would in itself render the appeal proposal in overall conflict with DMD Policy DMD31(2). Notwithstanding the 7th bullet point of CS Policy CP12, relating to wheelchair access to visitor accommodation, the more recent DMD Policy DMD31(2)(h) prevails (for the same reason that I have explained above) and this policy requirement applies only to hotels. The other criteria of CS Policy CP12 are not relevant to the appeal proposal.

⁷ CS - paragraph 5.131.

⁸ DMD - paragraph 5.7.1.

⁹ Paragraph: 012 Reference ID: 21b-012-20140306.

25. It would also reflect Framework paragraphs 80, 82, 91, 127 and 192. These include that development should allow businesses to invest and address specific locational requirements, promote social interaction and health and well-being, be sympathetic to local character including surrounding built environment and landscape setting, facilitate appropriate innovation and change and put heritage assets to viable uses consistent with their conservation.

Highway Safety

26. The courtyard has an existing vehicular access from Forty Hill road. At the time of my site visit it contained 3 parked cars. It is a reasonably narrow space but there would be room to conveniently park and manoeuvre up to 4 cars (which was agreed by the Council at the Hearing), including to meet disabled parking needs. This would also allow vehicles to exit the appeal site in a forward gear without unduly obstructing entrance gates or pedestrian access into buildings on the appeal site. There would also be one space in the Coach House garage, as shown in the appeal plans.
27. One space on-site would accord with the Council's maximum parking standard¹⁰ for the C3 residential use, plus a garage space for the Coach House if required. Were I to grant planning permission these parking spaces could be secured by a condition. In addition, when the courtyard was not full, or by pre-arranged visit, it could conveniently be used by suitably sized service vehicles (as it could were Longbourn occupied by a single large family).
28. Nonetheless, the 6 guest bedrooms could accommodate couples, so up to 12 people. It is possible that some or even all may seek to travel to the appeal site in their own cars. In addition, some of the retreat activities (which would not be available to non-residents) would use peripatetic tutors and there may be some staff who travel to the appeal site by car. Consequently, the level, frequency and duration of car parking and of delivery or servicing requirements (eg for groceries, laundry and refuse) would vary, but at times the overall intensity would be likely to exceed that which could take place at the appeal site in its present use, even if Longbourn was fully occupied by a single large family (though it would not be comparable to a hotel, which might typically have a higher turnover of guests and additional facilities such as a bar or restaurant, including for use by non-residents).
29. I saw that the nearby Forty Hall Estate has a large visitor car park which would be convenient but it is not a public car park as such, the entrance gates have padlocks and it is not in the ownership or control of the appellant. It could not therefore be relied on to provide parking for guests or visitors. Furthermore, the practicality or suitability of using part of the grassed area in the rear garden of Longbourn for additional car parking, including the provision of any hard surface, has not been substantiated by the appellant in this appeal (including with regard to potential effect on the CA and the setting of the LB) and indeed there is no plan or layout before me in this regard.
30. At the time of my site visit Forty Hill road was moderately busy. However, this part of the road has a 30mph speed limit with street lighting, is reasonably long (including a shallow curve) and wide and there are no parking controls or restrictions on either side of the road as it passes the appeal site, which has a

¹⁰ LP Table 6.2 – suburban, PTAL 0 to 1.

reasonably long road frontage. I saw some parked cars along the appeal site side of the road but passing traffic, including vans and HGVs, were able to easily manoeuvre towards the centre of the road, or wait and give way to on-coming vehicles, without undue interruption of traffic flow. Furthermore, vehicle speeds were low, including because of traffic calming speed humps, and the reasonably straight alignment of the road and its gentle gradient provides good forward visibility sightlines and stopping sight distances in both directions. At the Hearing there was some anecdotal accounts of parking on both sides of the road during Forty Hall Estate events, but not that this was a frequent occurrence. The Council could anyway take action to prevent parking on the far (Estate) side of the road in this regard if necessary.

31. Despite a low PTAL score, I have found in the second main issue above that a higher PTAL score is not necessary in this appeal. Nevertheless, I saw that the nearest bus stops are conveniently located about 500m from the appeal site, in Myddelton Avenue (at the Hearing, referred to by the appellant as Carterhatch Lane). In addition, according to the displayed timetable there is a reasonable level of service Monday to Sunday, which includes to and from connections to London Overground and National Rail services. The appellant's marketing statement¹¹ also refers to the Turkey Street railway station as within a 15 minute walk from the appeal site, which is not disputed by the Council. It is therefore at least possible that some guests or other visitors (or staff) could use public transport. At the Hearing the appellant also referred to the possibility of guests being collected from public transport locations as part of a 'green travel plan' which would be implemented by the business.
32. I note that in outer London areas with low PTAL, the supporting text to the LP indicates that consideration should be given to higher levels of parking provision,¹² but also that a 'flexible approach'¹³ to identifying appropriate levels of car parking is required. Furthermore, the Council has not evidenced a guest house car parking standard in this appeal, let alone that all such provision must be made on-site. I am also mindful that it would be likely that at least some guests, visitors or staff could car-share, walk or cycle to the appeal site.
33. Considering the above, meeting the travel needs of the appeal proposal would likely result in some cars (or possibly service vehicles) parking in Forty Hill road for shorter or longer periods of time. However, there is a significant amount of space available for on-street parking and it would be convenient. Even if there was a moderate increase in on-street parking it would not therefore put undue pressure on the availability of such parking to serve others, including occupiers of nearby residential properties. In addition, on-street parking would not result in dangerous movements or unduly inhibit the safe passage of vehicles or cause other undue highway safety concerns for the reasons explained above.
34. Accordingly, the appeal proposal would not cause harm to highway safety, having particular regard to parking and servicing. The proposed development would accord with LP Policy 6.13, CS Policy CP24 and DMD Policies DMD45 and DMD47. These policies include that development should have regard to car parking standards, adjusted as appropriate, make adequate provision to meet operational needs including for delivery and servicing, that parking layout

¹¹ Appeal statement of case, Appendix A - 'A Green Retreat at Longbourn'

¹² LP paragraph 6.42i.

¹³ LP paragraph 6.42.

should meet manoeuvring requirements and that there is no adverse impact on highway safety and the free flow of traffic.

35. It would also reflect Framework paragraphs 102, 108, 109 and 110. These include that development should pursue opportunities to promote sustainable transport modes (such as walking, cycling and public transport) given the type of development and its location, achieve safe and suitable access for all users, address the needs of people with disabilities, minimise the scope for conflicts between all road users, allow for the efficient delivery of goods and access by service vehicles and avoid unacceptable impact on highway safety or severe residual cumulative impacts on the road network.
36. At the Hearing the Council confirmed that DMD Policy DMD23, which is referred to in the Council's second reason for refusal on parking and servicing, relates to industrial development and is not therefore relevant to this appeal. I agree.

Living Conditions

37. The Coach House may continue to be used as residential accommodation. However, habitable rooms and windows of this living space that face the courtyard and Longbourn, or towards its garden, are in the first floor and consequently are elevated significantly above 'commercial' activity at ground level. Furthermore, this side of the Coach House would continue to face a C3 residential part of Longbourn (ie as existing) and the main guest or visitor entrance for the C1 use would be elsewhere in Longbourn. In addition, guest house and retreat activity would be inside Longbourn or externally in the garden but not within the courtyard. It would therefore be further away from the Coach House and on the evidence before me, such activities would likely be relatively sedate. The juxtaposition and nature of the guest house and retreat uses would therefore significantly diminish actual or perceived adverse effects on the occupiers of the Coach House.
38. There would be limited parking in the courtyard and so less intensity of this use than could occur at present from Longbourn in use as a single large family dwelling. Even though there could be increased servicing activity, it would likely be periodic in nature and of limited duration and therefore significantly mitigate intrusion to occupiers of the Coach House in this regard. I also saw that the other side of the Coach House, which does not face the courtyard, Longbourn or its gardens, has a separate front door and pedestrian entrance onto Forty Hill road and a narrow private garden space. Satisfactory living conditions in the Coach House would not therefore be reliant on a single aspect facing towards the courtyard, Longbourn or its gardens.
39. Considering the above, the appeal proposal would not cause harm to the living conditions of occupiers of the Coach House, having particular regard to daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. It would accord with LP Policy 7.4, CS Policies CP5 and CP30 and DMD Policies DMD6, DMD8, DMD31(2)(d) and DMD45. These policies include that development should make people feel comfortable with their surroundings and respect the quality of existing neighbourhoods, should achieve a high standard of accommodation with a form appropriate to existing development or its setting and preserve amenity including in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. It would also reflect Framework paragraph 127. This includes that development should function well and have a high standard of amenity for existing and future users.

Other Matters

40. Framework paragraph 193 indicates that great weight should be given to the conservation of designated heritage assets, such as the LB and the CA. The Council's Forty Hill Conservation Area Character Appraisal, September 2005, explains that the special interest of this part of the CA includes its historic houses (such as Longbourn) which remain largely in their original form, including boundary iron railings and brick walls, and that the generous planning and spacing of properties including large gardens and the wide road give a spaciousness to the area. This is consistent with what I saw at my site visit.
41. On the evidence before me the appeal proposal does not include any physical works to the external or internal fabric and structure of the LB (or the Coach House) or in its gardens, which form its immediate setting. The development would not therefore affect the special architectural or historic interest of the LB, or its setting, and would not affect the character and appearance of the CA. Consequently, there would be no harm to, or loss of, the significance of these designated heritage assets and the appeal proposal would therefore preserve the listed building and its setting and would preserve the character and appearance of this part of the CA, and accordingly of the CA overall. I also note that these matters are agreed between the main parties.
42. The main parties also agree that by virtue of the proposed re-use of the buildings (which are of permanent and substantial construction) and change of use of land at the appeal site, the development would preserve the openness of the GB and would not conflict with the purposes of including land within it. I have no reason to come to a different view in this matter. Accordingly, having regard to Framework paragraph 146(d) and (e) the appeal proposal would be not inappropriate development in the GB.
43. A Tree Preservation Order (TPO)¹⁴ protects two trees in the front garden of Longbourn. The appeal proposal does not include any operational development or physical works at the appeal site and would not therefore have any adverse effect on the amenity value of these TPO trees.
44. At the Hearing a local resident was concerned about the potential impact of noise and fumes if cars were parked in the rear garden of Longbourn. This part of the appeal site extends towards a common boundary and an adjoining property's rear garden patio. However, as I have explained in the 'highway safety' main issue above, there is no plan before me for parking on this part of the appeal site and the appeal proposal would therefore cause no harm to living conditions in this regard. The absence of harm in this matter, and in the other matters above, are neutral factors in my decision.

Conditions

45. I have considered the conditions suggested by the main parties in the agreed Statement of Common Ground (SoCG) and as discussed at the Hearing. Where necessary I have amended the wording in the interests of clarity and in light of the tests and advice in Framework paragraph 55 and in PPG.¹⁵
46. I agree that in addition to the standard time limit condition, a condition is necessary to specify the approved plans to ensure certainty. It was established

¹⁴ Council's reference numbers 348/2011 and 348/2011/VAR.

¹⁵ Paragraph: 003 Reference ID: 21a-003-20190723.

at the Hearing that the Council's decision notice had erroneously listed some plan numbers as 'Rev 01'. I have therefore omitted this annotation in the condition. In addition, with respect to plan numbers 1901-PL-10, 12 and 13, a coloured set of these plans (numbered 1901-PL-10 Rev A, 12 Rev A and 13 Rev A) were submitted during the Council's consideration of the appeal application and formed part of the Council's decision. However, it was also clarified at the Hearing that these plans were not intended by either main party to supersede the initial plans; indeed, I consider these to be helpful in understanding the approved development. Accordingly, as the condition makes clear, both sequences of plans are approved plans.

47. For the reasons explained in the main issues above, I have included a condition to ensure an appropriate level of car parking is provided in the courtyard, and so that a service vehicle can load and unload. In this regard, the appellant's plan number 1901-PL-14 'proposed car parking plan' is not therefore an approved plan and in the interests of certainty I have made this explicit in condition 2.
48. As also explained in the main issues above, and as suggested by the appellant, I have included a condition for a Green Travel Plan (GTP) to reduce reliance on the private car and on-street car parking. The scope of the GTP should be commensurate with the nature and scale of the proposed development and reasonably reflect the ability of the appellant to deliver practicable measures. GTPs are not unusual in new development and I am therefore satisfied that the Council should be able to monitor and, if necessary, enforce its provisions. I also agree that it is necessary and reasonable to include a condition to ensure the provision of an electric vehicle charging point and secure covered cycle storage to encourage use of these sustainable modes of transport, and for refuse storage so that the development can be used as intended.
49. Despite the description of development, for the reasons explained in the main issues above, I agree that it is necessary to impose a condition to limit occupation of the proposed C1 guest house and retreat use so that the intensity of that use is restricted, and so that satisfactory C3 residential use is retained. However, I do not agree with the Council that it should restrict the C1 use to no more than 'six (6) individuals at any one time'. This would not be consistent with the appellant's intentions or the use that has been applied for and would therefore be unreasonable. I have in any event found that C1 use for up to 12 guests is acceptable so it would also be unnecessary. A condition referring to '6 bedrooms' was suggested by the appellant which would be precise and consistent with the description of development. While I appreciate that a breach may be difficult for the Council to detect, it would not be impossible and so it would therefore be enforceable.
50. Despite the description of development, I also agree that it is necessary to restrict part of the approved use to that which was specifically applied for, namely 'Class C1 (guest house and retreat use)'. Otherwise, a Class C1 hotel (or boarding house) could be established at the appeal site without planning permission,¹⁶ including by a different future owner. For the reasons explained in the main issues above this may result in an undesirable change to the nature and intensity of use and activity at the appeal site. However, this condition would not prevent an owner of the appeal site from seeking planning

¹⁶ Town and Country Planning (Use Classes) Order 1987, as amended.

permission for a hotel (or any other use) and the Council would be able to consider such a scheme in detail; it would therefore also be reasonable.

51. I do not agree that it is necessary to impose a separate condition to control the layout of the residential use of the Coach House to a '1 x 2 bed self-contained unit' to prevent more bedrooms being established, as the Council suggests. Condition 2 already requires the development to be carried out in accordance with the approved plans, which includes plan number 1901-PL-15 Rev A 'Proposed coach house plans'. These show a self-contained 2-bedroom unit of living accommodation and any variance could be investigated by the Council.
52. I also do not agree with the Council that it is necessary or reasonable to impose a condition to require the part of the appeal site in 'green retreat guesthouse' or 'guest house' use to revert to residential use, in the event that the appellant 'ceases management and vacates' the approved Class C1 guest house and retreat use. PPG indicates that planning permission 'runs with the land'¹⁷ and that it is rarely appropriate to provide otherwise. While the appellant has a particular reason for including a 'retreat' as a suitable companion use and adjunct to the guest house, there is no evidence before me to reasonably justify or suggest that its continuation (or the guest house) by a different owner, manager or operator, and within the same description of development and parameters of conditions, would render the development unacceptable.
53. The SoCG contains the appellant's written agreement to the pre-occupation and pre-commencement of use form of the details required by conditions 3, 4 and 5. This was re-affirmed by the appellant at the Hearing and the Council did not object in this regard.

Planning Balance and Conclusion

54. As explained in the main issues above, the loss of some residential floorspace at the appeal site would cause limited harm to the housing stock and I give moderate weight to this harm. The appeal proposal would cause no harm to highway safety or to living conditions and these are neutral factors in my decision. It would retain a residential unit and a family home at the appeal site as part of the housing stock and I give appreciable weight to this benefit. Moreover, the proposed guest house and retreat would be an appropriate use at the appeal site in an appropriate location. I give considerable weight to this benefit.
55. Consequently, the proposed development would accord with the development plan overall. There are no material considerations that indicate that my decision should be taken otherwise in accordance with the development plan. For the reasons given, the appeal succeeds.

Robin Buchanan

INSPECTOR

¹⁷ Paragraph: 015 Reference ID: 21a-015-20140306.

APPEARANCES

FOR THE APPELLANT

Helen Tindale
Warren Pierson BA (Hons) PGDip MRTPI

Appellant
Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY

James Clark BA (Hons) MCD MRTPI
Gideon Whittingham BA (Hons) BSc (Hons) PG Dip

Principal Planning Officer
Principal Planning Officer

INTERESTED PARTIES

Jane Burgess

Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

Doc 1	Strutt & Parker marketing statement
Doc 2	Planning history and Council Tax records

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

• 1901-PL-00	Site location plan
• 1901-PL-01	Existing ground floor plan
• 1901-PL-02	Existing basement plan
• 1901-PL-03	Existing first floor plan
• 1901-PL-04	Existing second floor plan
• 1901-PL-10 and Rev A	Proposed ground floor plan
• 1901-PL-11	Proposed basement plan
• 1901-PL-12 and Rev A	Proposed first floor plan
• 1901-PL-13 and Rev A	Proposed second floor plan
• 1901-PL-15 Rev A	Proposed coach house plans

(plan number 1901-PL-14 'proposed car parking plan' is not approved)

- 3) Notwithstanding condition 2, the Class C1 guest house and retreat use hereby permitted shall not be occupied or used until spaces have been marked and laid out within the courtyard for 4 cars to be parked without obstructing the Coach House garage and to allow for vehicles to turn so that they may leave the site in a forward gear. These spaces shall thereafter be kept available at all times for the parking of cars, except when required to allow for the temporary loading and unloading of a service vehicle.
- 4) Notwithstanding condition 2, the Class C1 guest house and retreat use hereby permitted shall not be occupied or used until details of a Green Travel Plan have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Notwithstanding condition 2, the Class C1 guest house and retreat use hereby permitted shall not be occupied or used until details of an electric car charging point, cycle storage and refuse storage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The Class C1 guest house and retreat use hereby permitted shall not exceed 6 bedrooms.
- 7) The part of the appeal site not in Class C3 use shall include use for Class C1 guest house use and for no other purpose in Class C1 of Part C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.