



Appeal Decision

Site Visit made on 26 January 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2021

Appeal Ref: APP/J3720/W/20/3254312

The Conifers, Hunger Hill, Ullenhall B95 5ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended 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 Ellard against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/02527/VARY, dated 8 September 2019, was refused by notice dated 16 December 2019.
 - The application sought planning permission for change of use of existing games room constructed under permitted development to a holiday let, without complying with a condition attached to planning permission Ref: 17/01411/FUL, dated 24 July 2017.
 - The condition in dispute is No.3 which states that: *The development hereby approved shall only be used for holiday accommodation purposes and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any other Statutory Instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation.*
 - The reason given for the condition is: *To ensure that the holiday let is not used for permanent residential occupation which, given the open countryside location, would represent an unsustainable form of development.*
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposed removal of holiday let restriction would result in an unsustainably located residential unit.

Reasons

3. The appeal property is situated within a small cluster of dwellings in the vicinity of the junction of the A4189 and Henley Road. Henley-in-Arden is categorised as a Main Rural Centre in the development plan. The site is located around three quarters of a mile from Henley-in-Arden's built-up area (BUA). The site is separated from the BUA by a substantial area of fields west of the railway line. As such, the appeal site is located outside a settlement, within countryside.
4. There is no bus stop served by a regular bus service in the immediate vicinity of the site. Furthermore, walking to facilities and services including bus services and the railway station in Henley-in-Arden would entail use of an unlit and unsurfaced route, either on a public right of way across fields or a grass verge along the A4189. The unlit, unsurfaced character of these routes would

limit the prospect of future occupants of the proposed residence using them to regularly access a range of services and facilities year-round, including employment, healthcare and leisure. Moreover, the unlit nature of the A4189 would limit the viability and safety of the road as a cycle route for future occupants to regularly access a range of services and facilities year-round.

5. Therefore, the proposal is likely to result in a high level of reliance on the private motor car by future occupants of the proposed residence. While future occupants may make some use of school buses, 'dial-a-ride' buses or taxis, these are unlikely to amount to a sufficiently comprehensive range of non-car transport modes to persuade me otherwise.
6. Furthermore, even if electric vehicular transport were used by future occupants, this is not likely to result in replacement of reliance on the private car by alternative transport modes of walking, cycling or public transport. Nor is there substantive evidence that the volume of car journeys by occupants of the proposed four bedroom residence would be substantially less than that for the holiday let.
7. Drawing the above together, given the site's location outside the settlement of Henley-in-Arden, it does not fall within the category of a sustainable location for residential development under Distribution of Development Policy CS.15 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (CS). Furthermore, substantial reliance on the private car by future occupants of the proposed residence would undermine the objectives of prudent use of natural resources and moving to a low carbon economy. This would undermine the environmental objective of sustainable development, as defined in the National Planning Policy Framework (the Framework).
8. Future occupants are likely to contribute socio-economically to the area, including through custom for local businesses, services and facilities. Depending on future occupants' age profile, which is not certain, this might include use of local rural schools, playgroups and mother and baby groups. However, the above would be tempered by the loss of economic diversity and revenue to the local economy from the holiday let. Furthermore, the limited scale of socio-economic contribution from the proposed single residence would not negate the unsustainable aspects identified.
9. As such, the proposal would fail to contribute to maintaining sustainable communities in the district. Thus it would conflict with Policy CS.1 of the CS, which is cited in the reason for Condition No.3.
10. I appreciate that Covid-19 has substantially restricted the scope for people to travel and go on holiday over the last year. Nevertheless, the longer term effects are yet to be manifested. 'Staycation' options such as rural holiday cottages can provide the convenience of less complex and lengthy travel arrangements compared to holidaying abroad. The size of the building gives the property potential for family staycations in the future, and potential flexibility to accommodate a greater range of group sizes than smaller cottages. The appeal of 'Shakespeare Country' adds to the potential future attractiveness of the holiday let.
11. Given the above, it is not shown that the holiday let would not be viable in the future. There is no substantive independent viability report with accounts, for

example, to persuade me otherwise. As such, the proposal would fail to satisfy the full justification requirement of Policy AS.10 of the CS.

12. The appellant sets out that she does not employ staff at the holiday let. However, this does not eliminate the possibility of self-employment or future employment of staff to undertake necessary activities of cleaning, maintaining and managing the holiday let on the site. As such, I cannot rule out conflict with Policy CS.22 of the CS in terms of the requirement to provide viability justification for change of use of employment sites. Even if the site were not an employment site, the other identified harm and policy conflict is significant.
13. In conclusion, the proposed removal of holiday let restriction would result in an unjustifiably dispersed and unsustainably located residential unit. Furthermore, the proposal would fail to suitably locate future residential development in order to promote non-car modes of transport in the district. This would undermine future achievement of this objective. As such, the proposal would conflict with Policies CS.1, CS.15, and AS.10 of the CS and the Framework.

Other Matters

14. My attention is drawn to other sites in the district on which planning permission has been granted, including one on appeal. However full details of the other cases are not before me. Therefore I cannot be certain that the other cases are analogous to the proposal before me. Moreover, the proposal has its own setting and circumstances. As such I assess this case on its own merits.
15. The proposal would contribute to local housing supply in the form of one four bedroom bungalow, with associated socio-economic benefits through custom for local businesses, services and facilities. However, for the single dwelling the scale of benefit would be limited and would not outweigh the identified harm.

Conclusion

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

William Cooper

INSPECTOR