



Appeal Decision

Site Visit made on 12 April 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/F2415/W/20/3261019

Swift Stables, Theddingworth Road, Mowsley LE17 6PZ

- 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 Mr Nick Ross against the decision of Harborough District Council.
 - The application Ref 20/00943/FUL, dated 30 June 2020, was refused by notice dated 25 August 2020.
 - The development proposed is for the retention of tourist accommodation building and use as a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building gained planning approval¹ in 2011 to be used as tourist accommodation. The proposal has been made as a change of use of a building from holiday accommodation to an open market dwelling. Therefore, although in a form of residential use, the use of the dwelling is limited by condition 2 for tourist accommodation only. Furthermore, due to the nature of the application made this appeal is unable to assess whether or not this condition serves a useful purpose. It is therefore necessary to consider whether the site is an appropriate location for a new (unrestricted) dwelling, with the restricted existing dwelling as a material fall-back position.
3. The appeal site consists of a building that is permanent and substantial. The building includes a kitchen, living room, bathroom and bedrooms and is therefore able to be used for day-to day private domestic existence. The building stands within a spacious plot with a post and rail fence enclosing a good-sized garden. The site includes the adjacent courtyard area that would provide parking provision. I am therefore satisfied that the building is capable of being used as a permanent dwelling.
4. An appeal decision in 2016 related to the removal of condition 2. This case turned on whether the condition remained necessary based on the viability of the existing holiday let use. The Inspector concluded that the property was not within a well-known tourist location and would require time to become established. This appeal was dismissed as the Inspector concluded that it was premature to accept that the business could no longer contribute to the rural economy. Such considerations do not apply in the present case. I shall return to matters of viability later in the decision.

¹ Planning Application Reference: 11/01251/FUL

Main Issue

5. The main issue is whether the location of the proposal would represent sustainable development, having regard to local policies, the National Planning Policy Framework (The Framework).

Reasons

6. The appeal site is within the open countryside a short distance from the small settlement of Mowsley. Although, the local area includes some scattered dwellings and farm buildings, the site is separated from the settlement by several fields. As such, for policy purposes the site would be considered as being within the open countryside, and outside the settlement limits of Mowsley.
7. Policy GD3 of the Harborough Local Plan 2011-2031 (2019) (LP) seeks to direct the majority of new development towards Market Harborough, Key and Rural Centres and Selected Rural Villages. This would enable residents and users to gain access to goods and services and have reduced travel needs. As such, the Council's housing strategy only allows for limited new development within the Countryside in support of the rural economy. This includes, at criterium (a) for tourism related development that would assist in the diversification of the rural economy. Also, (g) allows for the conversion or re-use of permanent and substantial buildings and (f) allows for rural housing in accordance with policy GD4.
8. Policy GD4 relates to housing in the countryside. The proposal would not be within or visually connected to the nearby settlement and would not relate to an existing dwelling. Furthermore, although making use of an existing building, the building is not redundant or disused and the proposal would therefore not result in a visual enhancement of the site. Moreover, the proposal would not result in any physical changes or enhancements to the building as it is intact and available for use as holiday accommodation. As such, the proposal would not satisfy any of the stated criteria of policy GD4.
9. Paragraphs 77-78 of the Framework seeks to support housing in rural areas that would enhance or maintain the vitality of rural communities. However, Mowsley is some distance from the site and this settlement provides only limited goods and services. Moreover, Theddingworth Road is unlit and does not benefit from a pavement. This would discourage travel to the site by pedestrians or cyclists. Consequently, future occupiers would have to travel a significant distance to gain access to day to day goods and services that would be required by a permanent resident. Therefore, the site is disconnected from Mowsley without a tangible or functional link to the settlement. As a result, the proposal would make a negligible contribution towards the few services and facilities of the village, with limited benefits to the rural community. Consequently, it would be within a location with poor accessibility and would be an unsuitable location for housing development.
10. Therefore, the location of the appeal site would not represent sustainable development, and the proposal would fail to accord with policies GD3 and GD4 of the LP and the Framework.

Other Matters

11. Operational matters in relation to the holiday let business have been included in evidence. These include details of marketing, the limited rate of holiday occupancy bookings and financial returns for years 2014-2020. However, although limited, the holiday lettings evident support the rural economy and the tourism objectives of the development plan.
12. The provision of a dwelling would provide a small benefit to the local community, socially and economically, throughout the year. However, this must be weighed against the loss to the local economy of a holiday let. Furthermore, the existing dwelling includes a restrictive condition that was applied to ensure the development complied with policy GD3. As this was allowed by exception, any fall-back position is of limited weight in the consideration of the current proposal.
13. The Appellant has brought to my attention several appeal decisions that considered the removal of restrictions imposed either as occupancy conditions or by Legal Agreement. However, none of the cases cited are directly comparable to the case before me, in the absence of detailed information about each case. Nevertheless, the decisions do demonstrate that the individual circumstances of each site and proposal dictate the particular conditions and reasoning applied by each Inspector. I am therefore satisfied that I am not bound by the findings of a previous Inspector. Furthermore, each proposal must be considered on its individual planning merits as I have done.
14. Interested parties have made representations in support of the proposal. Although the proposal would be unlikely to affect the living conditions of nearby residents, an absence of harm can only be a neutral factor in the planning balance.

Conclusion

15. The Framework seeks to significantly boost the supply of housing. The proposed dwelling would make a contribution to local housing supply and to the local economy, albeit limited. This gives moderate weight in favour of the proposal. However, the proposal would conflict with the Council's housing spatial strategy through the provision of an unrestricted residential use in a location with poor accessibility.
16. Consequently, the proposed dwelling would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Mr Ben Plenty

INSPECTOR