
Appeal Decision

Site visit made on 1 April 2021

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2021

Appeal Ref: APP/W1850/W/20/3261243

The Old Shop, Manson Lane, Manson NP25 5RD

- 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 David Rand against the decision of Herefordshire Council.
 - The application Ref 202048, dated 29 June 2020, was refused by notice dated 25 August 2020.
 - The development proposed is construction of a holiday cabin to accommodate 2-4 people.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is whether the proposal is in an appropriate location in relation to the spatial strategy for the area and access to services.

Reasons

3. The site is located around 1.3km to the south of the nearest settlement at Welsh Newton, and an appreciable distance to the north of the area's main service centre at Monmouth. The site is outside of any defined settlement boundary and is therefore classed as being within the countryside for the purposes of the development plan.
4. There are footpaths linking the site with the surrounding countryside. However, it is not clear whether these are utilitarian in nature and provide access to nearby services, or whether these are recreational in nature and provide indirect routes to enjoy the landscape.
5. Welsh Newton enjoys a bus link with Monmouth, but the site is some distance away from the nearest bus stop and there is no evidence that it can be accessed in a safe manner. For example, it appears that it is around 1.6km away from the site, along a highway without footway provision.
6. Consequently, there is uncertainty about whether it could be accessed safely or is likely to be used in this context. Altogether, the site is detached from services, which do not appear accessible by sustainable means.
7. There is no definition of dwellinghouse under the planning acts, but in *Gravesham BC v SSE and O'Brien* [1983] JPL 306 it was accepted that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day private domestic existence.

8. It did not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons. Consequently, holiday accommodation that meets the Gravesham test will usually be treated as a dwellinghouse for the purposes of applying planning policies and not as a commercial or leisure use, even if its occupation is restricted by condition.
9. In this context, the proposal would deliver holiday accommodation for between 2-4 people, with living space, kitchen area, bedrooms and bathroom that could allow occupants to undertake day-to-day private domestic existence similar to that of a dwellinghouse.
10. Consequently, notwithstanding that the property may be let in a holiday accommodation capacity, it would still exhibit characteristics that were very similar to a dwellinghouse. It would therefore meet the Gravesham test and be subject to the relevant policy provisions within the development plan pertaining to dwellinghouses in the countryside.
11. With this in mind and in the context of the site being located outside of settlement limits within the countryside and detached from services, which cannot be accessed by sustainable means, the proposal would generate an overreliance on the private car indicative of its unsustainable location.
12. In terms of other applications in the area, the full details are not in front of me and it is therefore difficult to be definitive. However, the descriptions of development provided suggest that these other applications were made in relation to proposals for holiday accommodation that may not have met the Gravesham test.
13. For example, they may have been more basic in the level of facilities and consequently it is unlikely that they offered facilities required for day-to-day private domestic existence and are not therefore directly comparable to the proposal in this case.
14. Overall, the proposal would deliver development tantamount to a dwellinghouse in a location without adequate access to services. It would therefore conflict with Policy WNL5 of the Welsh Newton and Llanrothal Neighbourhood Development Plan 2019, Policies SS1, RA2 and RA3 of the Herefordshire Local Plan Core Strategy 2015, which among other things requires that development is directed to sustainable locations.
15. Policy WNL1 of the Welsh Newton and Llanrothal Neighbourhood Development Plan 2019 and Policy LD1 of the Herefordshire Local Plan Core Strategy 2015 primarily deal with landscape impacts. However, the Council's statement appears to focus on the principle of development insofar as it relates to location, settlement boundaries and access to services. I have not therefore found evidence of conflict with these aforementioned policies.

Other Matters

16. Even though the proposal should be assessed as a dwellinghouse in terms of its character and the principle of its location, it would still function as a holiday let and contribute to the rural economy. In this context, the appellant demonstrates there is an identified need and policy support within the development plan and under national policy. However, there is existing holiday accommodation provision at The Old Shop, and the demand for additional accommodation appears to be limited.

17. Consequently, the limited nature of the additional accommodation would generate similarly limited potential benefits for the rural economy. Accordingly, these limited benefits would not be of a scale to outweigh the harm generated by the main issue and conflict with the development plan.

Conclusion

18. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR