



Appeal Decision

Site Visit made on 27 April 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/X2410/W/20/3264964

Browns Hay, Markfield Lane, Newtown Linford, LE67 9PS

- 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 and Mrs Zaturowski against the decision of Charnwood Borough Council.
 - The application Ref P/20/0712/2, dated 17 April 2020, was refused by notice dated 12 June 2020.
 - The development proposed is the retention of residential property 'Browns Hay' as overnight (self-catered) tourist accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of the residential property 'Browns Hay' as overnight (self-catered) tourist accommodation at Browns Hay, Markfield Lane, Newtown Linford, LE67 9PS in accordance with the terms of the application, Ref P/20/0712/2, dated 17 April 2020, subject to the following condition:
 - 1) The accommodation hereby permitted shall only be used as visitor holiday accommodation and not as any person's sole or main place of residence.

Background & Main Issue

2. Planning permission was granted in 2014 (P/14/1072/2) for the demolition of the bungalow (known as Browns Hay) which is the subject of this appeal and the erection of a replacement manager's dwelling with ancillary buildings. Conditions 10 and 11 of that permission referred to a demolition scheme for the bungalow and whilst this was submitted to and approved by the Council, demolition did not take place.
3. The main issue arising in this appeal is whether or not the retention of the bungalow would accord with development plan policies which (i) seek to guide the location of new development in the countryside and (ii) seek to protect its character and appearance.

Reasons

Location

4. Whilst the bungalow is already present and would not therefore be a new construction, its removal was deemed necessary in order to ensure that there was not a cumulative increase in dwellings. In the context that the bungalow should have already been removed to accord with the terms of the previous planning permission, its proposed retention amounts, to all extents and purposes, to new development in the countryside.

5. Although there is not support in the development plan for new unrestricted dwellings in the countryside, the proposal would provide a unit of visitor holiday accommodation and this would be restricted by way of a planning condition. The appeal site is attractively located in a wooded area and close by to a recently approved glamping site and to a Scout Camp. There is easy access to the New Forest and visitors would contribute to the economy of the area.
6. Policy CS10 of the Charnwood Core Strategy 2015 (CS) provides support for both farm diversification and for tourism and leisure facilities in rural areas. Policy CS12 of the CS seeks to support the woodland economy including sustainable and green tourism. Policy CT/1 of the Charnwood Local Plan 2004 (LP) provides support for small-scale new build development in the countryside where it would facilitate the diversification of the rural economy and improve facilities for recreation, or leisure, uses.
7. Subject to a condition restricting the occupation of the property to visitor holiday accommodation, the proposal accords with Policies CS10 and CS12 of the CS and Policy CT/1 of the LP, where they seek to promote rural diversification, tourism and recreation. Although the Council has referred to Policy CS1 of the CS in its reason for refusal, this relates to the broad strategic aims for the location of new development in the borough, and not to the specifics of the appeal case.

Character and appearance

8. The original and replacement dwellings are physically and visually separate from one another. However, by virtue of the fact that they both would still be present, there would be a cumulative impact on the character and appearance of the countryside, through the additional encroachment of built development into it that has occurred.
9. That said the property subject to the appeal is a building of a modest footprint and overall scale and it sits well screened within a wooded area. Taken as an individual entity and when considered on the basis established above that it represents a new development, it has only a very minimal impact upon the character and appearance of the countryside.
10. In that context, the proposal accords with Policies CS2, CS10, CS11 and CS12 of the CS and Policies CT/1, CT/2 and EV/1 of the LP, where they refer to matters relating to character and appearance.

Other Matters

11. Allowing the appeal would compromise Conditions 10 and 11 on planning permission P/14/1072/2, which require the removal of the appeal property to prevent an increase in the number of residential units in this open countryside location. The Council has concern that the argument advanced by the appellant could be replicated on other sites in the borough, resulting in the widespread retention of both original dwellings and their permitted replacements.
12. However, the circumstances of this case are such that the impact resulting from the retention of the appeal property is minimal and there is a compelling planning policy case to permit diversification and tourist accommodation in this location. Furthermore, other cases that are presented before the Council would need to be assessed on their own individual merits.

Conditions

13. It is necessary to restrict the occupation of the property to holiday visitors only, for the reasons set out in this decision. The condition originally suggested by the parties restricted use to only 10 months of the year, however I have not been made aware of any specific planning reason why the use of the property would not be acceptable for the full 12 months of the year.
14. Whilst I note the Council's request that the appellant be compelled to keep a register of the names of all occupiers and their main home addresses, I have concerns that this is an overly onerous requirement and one which would require the appellant to compile and keep large amounts of personal data in a register form.
15. Should the Council wish to investigate any potential breach of the condition in the future, I am satisfied that the enforcement powers they have would enable them to do so, and that the appellant would be in a position, by virtue of their own record keeping associated with the running of holiday accommodation, to furnish them with the information they would require in order to establish how the property has been used. Therefore, the condition I shall impose meets all of the tests set out in Paragraph 55 of the National Planning Policy Framework.

Conclusion

16. The proposal would not cause harm to the character and appearance of the countryside and there is support found in the policies of the development plan which promote rural diversification, tourism and recreation. Furthermore, there would be benefits arising to the local economy. The proposal therefore accords with the development plan, taken as a whole, and I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR