



Appeal Decision

Site visit made on 9 August 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/U1430/W/20/3263883

Sierra Lodge, 74A Hastings Road, Battle TN33 0TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Esther Sefaah against Rother District Council.
 - The application Ref RR/2020/651/P, is dated 16 April 2020.
 - The development proposed is change of use from a detached garage to a holiday let with one allocated parking space and bin store area.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The description of the proposed development in the banner header above is taken from the planning application form albeit that I have removed other wording that does not relate to the act of development.
3. At my visit I saw that the building had been repurposed to provide habitable accommodation. The planning application form indicates that permission is being sought for the use of the building as a holiday let. I have considered the proposed development on this basis. Irrespective of any works that have taken place at the site my considerations have been limited to those proposals shown on the block plan, floor plan and elevations drawings that are subject of this appeal (drawings No 1 and No 2a).
4. A revised version of the National Planning Policy Framework has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Background and Main Issue

5. This appeal has been lodged following the Council's failure to determine the planning application. Notwithstanding this, the Council has provided a statement that sets out those matters to be of concern to the Council. Having regard to the Council's statement I consider the main issue to be whether a satisfactory standard of accommodation and amenity space would be provided for the use of the building as a holiday let.

Reasons

6. The holiday let building would host two high level rooflights, a high level round window and an entrance door that with a narrow glazed window. Otherwise, there would be no windows that would provide outlook to the surrounding environment. Furthermore, the proposal does not include any outdoor space associated with the holiday let. Staying visitors would be extremely likely to experience an overwhelming sense of confinement and detachment from the outside world when staying at the holiday let. In addition, having limited openings, the internal accommodation would be extremely likely to be rather gloomy. The lack of any meaningful outlook to the surrounding environment, no outdoor space and gloomy internal accommodation would create an unpleasant and uninviting environment in which to spend time, which, being a holiday let, one would reasonably expect to be enjoyable.
7. Further to the above, the holiday let would be sited very close to the A2100 highway. This is a very busy road with vehicles travelling past the site at some speed. Despite there being some mature tall trees along part of the boundary frontage, noise and vibration from road traffic would cause significant disturbance to staying visitors. In addition, entrance and egress to the unit would be via a shared driveway that serves two existing dwellings. Vehicles relating to these properties would pass in close proximity to the holiday let. Egress from the holiday let would be directly onto the shared access. Even if vehicle movements would be low, this would also create noise and disturbance, as well as a sense of feeling unsafe when accessing the proposed associated parking and refuse storage facilities at the opposite side of the driveway.
8. Taking these matters collectively, the proposal would not create visitor staying accommodation of a satisfactory standard.
9. I accept that the wet room would provide accessibility for individuals with mobility restrictions and that internally and externally a high standard of furnishings and finishings could be achieved within the limits of the existing footprint of the building. However, these matters do not overcome my above concerns or justify the proposed development.
10. I have been directed to approved caravan holiday accommodation at Ashburnham. The Council advises that that proposal is at a rural location and not close to any A classified highway. It appears from the photograph of that caravan provided by the appellant that it has windows and an associated outside space. Whilst the caravan may be compact in terms of its internal space, it hosts outlook onto the outside world and, for this reason, would not create claustrophobic or gloomy holiday accommodation. For this reason, that caravan holiday accommodation is not directly comparable to that of the holiday let proposal that is before me and, therefore, that development offers little weight in support of this proposal.
11. It is also advised that a caravan is advertised as a holiday let at nearby Ninfield. However, I have not been provided any substantive details of that development that would enable me to consider what similarity, if any, that holiday accommodation would have to that of the scheme before me.
12. For the above reasons, I conclude that the proposed development would not achieve a satisfactory standard of accommodation and amenity space for the use of the building as a holiday let. Whilst a number of policies have been

cited by both parties, I consider Policy EC6 of the Rother Local Plan Core Strategy and Policy DEC2 of the Rother Development and Site Allocations Local Plan to be those most relevant in this case, noting also that the Council statement only concludes against both these policies. These policies seek, amongst other matters, to increase the supply of tourism facilities by way of quality serviced and self-catering accommodation.

13. I acknowledge that the proposed development would contribute to holiday let provision within the district, for which other development plan policies offer support. However, this does not obviate the need to consider the quality of the self-catering accommodation proposed against those policies cited above.

Other matters

14. I acknowledge that a Building Regulations completion certificate pursuant to the Building Act 1984 has been issued relating to the building. From the information before me the certificate confirms that works conform with Schedule 1 of the Building Regulations. Building Regulations serve a different purpose to that of the planning system. There is no substantive information before me that would indicate that outlook and noise disturbance formed part of the conversion considerations under the Building Regulations process. Therefore, the certificate offers very limited support in favour of the proposal.
15. I note that there is planning enforcement history relating to the use of the building as self-contained accommodation for which council tax was paid over a period when it was occupied and is still being paid although the accommodation is not currently in use. These are matters separate to this appeal. The banding of the building for council tax purposes is not necessarily an indicator of a lawful planning use of a building or a justification for a particular use of a building as council tax serves a different purpose to that of the planning regime.
16. Some concern has been raised to the Council's delay in validating and determining the planning application. However, those are matters that, if necessary, should be raised with the Council away from this appeal. In any event, those concerns would not lead me to alter my findings above.

Conclusion

17. Having regard to the above findings, the appeal is dismissed and planning permission is refused.

Nicola Davies

INSPECTOR