



Appeal Decision

Site visit made on 17 May 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/G2435/W/22/3290260

Ashby Woulds Residential Park, Spring Cottage Road, Overseal

- 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 Tom Hartley against the decision of North West Leicestershire District Council.
 - The application Ref 20/00362/FUL, dated 18 February 2020, was refused by notice dated 10 December 2021.
 - The development proposed is continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the continued use of caravan site for a mixture of permanent residential accommodation and short term holiday accommodation at Ashby Woulds Residential Park, Spring Cottage Road, Overseal in accordance with the terms of the application Ref 20/00362/FUL, dated 18 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: OS Site Plan (scale 1:1250).
 - 2) The use hereby permitted shall not be operated at any time other than in accordance with all measures specified within the submitted Noise Management Plan, version 5, deposited with the Local Planning Authority on 22 July 2021.

Preliminary Matters

2. The appellant has confirmed on the application form that the short-term holiday accommodation has been operating since 2017. From the evidence before me, it is clear that the proposal is to continue the use of the site for a mixture of permanent residential accommodation and short-term holiday accommodation, and I have dealt with it on that basis.

Main Issue

3. The main issue is the effect of the short-term holiday accommodation on the living conditions of the neighbouring occupiers, having regard to noise and disturbance.

Reasons

4. The appeal site consists of a relatively small existing caravan site. Each lodge has its own curtilage and there is a gap between the lodges. The appeal seeks

- permission for a mixture of permanent residential accommodation and short-term holiday accommodation. Initially concerns relating to the holiday accommodation were raised with the Council's Environmental Protection Team. There are a number of consultation responses from the Environmental Protection Team, particularly concerning the noise management plan, and they ultimately did not object to the proposal.
5. In relation to the main issue, residents have raised concerns relating to the short-term holiday accommodation. These include noise, disturbance, anti-social behaviour and hot tubs. Residents purchased their lodge on the basis that it would be a residential site for over 50s/55s only. However, no planning conditions were attached to the original permission restricting the occupancy of the units.
 6. I recognise that the lodges are modular buildings which are not of standard house construction. In addition, I acknowledge that some occupiers of the short-term holiday lets may generate more noise and disturbance compared to the permanent residents, although that will not necessarily be the case for all. The holiday accommodation and the permanent accommodation are both types of residential uses. Issues relating to noise and disturbance are not unique to holiday lets and it is not unusual for holiday accommodation to be adjacent to permanent residential dwellings.
 7. There is no substantive evidence before me to demonstrate that the introduction of the holiday accommodation has significantly increased the comings and goings, level of activity and associated noise and disturbance. I am not persuaded that the short-term holiday lets have resulted in an increase in noise and disturbance to such an extent that it adversely affects the living conditions of nearby residents to a degree to withhold planning permission. It also cannot be presumed that guests would behave in an anti-social manner or increase opportunities for crime and fear of crime. Consequently, the proposal does not result in an intensification of the site to warrant planning permission being refused.
 8. The appellant has submitted a noise management plan. This sets out a number of measures including that guests would be made aware that there are permanent residents on site, periodic inspections would be carried out and sets out how issues would be handled. I consider the detail in the management plan is satisfactory and a planning condition could ensure that the site is operated in accordance with the measures specified in this document.
 9. For these reasons, and based on the evidence presented, the short-term holiday accommodation does not have an unacceptable effect on the living conditions of the neighbouring occupiers, having regard to noise and disturbance. Accordingly, it complies with Policy D2 of the North West Leicestershire Local Plan (2021). This seeks, amongst other matters, to ensure development proposals do not generate a level of activity, noise or disturbance that would have an adverse impact on amenity and living conditions.
 10. It also complies with paragraphs 130 and 185 of the National Planning Policy Framework (the Framework). These state decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users, and seeks to avoid noise giving rise to significant adverse impacts on health and the quality of life. In addition, it complies with the Good Design for North West Leicestershire

Supplementary Planning Document for new developments (2017). This states that good design in the built environment involves the creation of places that work well for both occupants and all users.

Other Matters

11. The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Natural England recently updated the conservation status of the SAC and has provided updated advice with a new generic methodology. The main parties and NE were given the opportunity to comment on this matter.
12. On the basis of the evidence before me, the scheme would not lead to an increase in foul draining discharge nor result in an increase in the amount of Phosphorous entering the SAC. In addition, it would not result in additional surface water impacts. This is because the lodges already have planning permission for use as permanent residential accommodation, the application only seeks to change the use of the lodges and it is likely that there would be periods where the holiday lets would be unoccupied. Therefore, I am satisfied that there would be no adverse effect on the integrity of the European site.
13. Residents have also raised further concerns. These relate to car parking, rubbish, character of the area, overlooking and loss of privacy as well as hanging of towels and laundry. Highways did not object to the application and no changes are proposed to the exterior of the existing buildings. Furthermore, the scheme does not alter the distance between the lodges. The Council did not refuse the planning application on the other matters raised, and I see no reason to disagree with that assessment.

Conditions

14. I have assessed the Council's suggested conditions in light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision. It is necessary to attach a condition specifying the approved plan as this provides certainty. I have also imposed a condition relating to the noise management plan in the interest of safeguarding living conditions of the neighbouring occupiers.
15. The Council has suggested a condition to control the use of the lodges in the interest of visual amenity and highway safety. The lodges were originally considered acceptable as permanent residential accommodation and only a small proportion of the lodges would remain in that use. I recognise that there could be a difference in the number of trips made by short-term holiday occupants, albeit I do not consider that it would have an unacceptable impact on highway safety. I am also not convinced that there would be any effect on visual amenity. Moreover, there is no evidence before me which suggests that the original planning application relating to the caravan site was subject to a condition controlling the use of the lodges. On the basis of the information before me, I do not consider this condition to be necessary or reasonable.
16. In addition, the Council has suggested conditions relating to the removal of permitted development rights. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council has not provided any clear justification for such conditions and therefore, based on

the evidence presented, I consider such conditions would be unreasonable and not necessary.

Conclusion

17. I realise that this decision will come as a disappointment to those who objected against the proposal. However, taking everything into account, there is no compelling reason to withhold planning permission in this case. For the reasons given above the appeal succeeds.

L M Wilson

INSPECTOR