
Appeal Decision

Site visit made on 7 June 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/C1760/W/22/3290641

2 Kilsby Flats, Bulford Road, Shipton Bellinger SP9 7TG

- 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 Edward Franklin against the decision of Test Valley Borough Council.
 - The application Ref 21/01491/FULLN, dated 14 May 2021, was refused by notice dated 12 July 2021.
 - The development proposed is described as change of use from dwelling (C3) to short term holiday let (Sui Generis).
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use from dwelling (C3) to short term holiday let (Sui Generis) at 2 Kilsby Flats, Bulford Road, Shipton Bellinger SP9 7TG in accordance with the terms of the application, 21/01491/FULLN, dated 14 May 2021, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Procedural Matters

2. As described, the development would entail the change of use of 2 Kilsby Flats from a single dwelling to a single holiday let. I have therefore corrected the description of development in the banner heading above by removing the plural included in the original description.
3. The reason why planning permission is required to use the dwelling as a holiday let is unclear in this case, as neither party has directly addressed the matter. The application was however presented and determined on the basis that a change of use would be required, and the decision has been appealed on the same basis. I have therefore considered the scheme as set before me.

Main Issue

4. The main issue is the effect of the development on the local housing stock.

Reasons

5. In assessing the application, the Council identified singular conflict with Policy COM1 of the Test Valley Borough Revised Local Plan 2016 (the LP). This sets out the housing requirement for the period 2011-2029. As more than 5 years have passed since the plan was adopted it is unclear whether the policy

remains up to date. Either way, it does not set out any prohibition on the use of dwellings as holiday lets, and the core text is concerned solely with the provision of new housing. In this regard the identified conflict instead relates to the supporting text.

6. This states that the existing housing stock needs to be retained in order to maintain the number and mix of dwellings available. To this end it further states that where a proposal would result in an impact on the housing stock the Council would need to be satisfied that the loss is justified. No explanation is however provided of what an impact or loss might involve, or what form such justification should take.
7. In this case the use of No 2 as a holiday let would not entail any loss to the local housing stock. This is because No 2 would continue to exist. The 'loss' would instead be in terms of the availability of No 2 for occupation on a more permanent basis.
8. In this context the Council places particular emphasis on the general demand for housing specifically designed to meet the needs of older people. This is also set out within the supporting text of Policy COM1, albeit its focus is clearly on new housing. In this regard No 2 is not a new dwelling. I have otherwise been provided with no evidence that it was specifically designed to meet the needs of older people, or that its current occupancy is the subject of any age-based restriction. Indeed, interested parties state that recent occupants have included a number of young couples. No 2 is thus clearly suited to occupancy by a broad range of age groups, and it does not function as, and nor is it required to provide, specialist accommodation for older people. The development would not therefore undermine the availability of such housing.
9. The Council otherwise acknowledges that the development would comply with Policy LE18 of the LP. This states that proposals for tourist development will be permitted provided that the proposal is located within a settlement. Again, there are no criteria which prohibit the use of a dwelling as a holiday let. Such a use would inevitably have an impact on the availability of the dwelling for permanent occupation. It logically follows that the provision of tourist accommodation in accordance with Policy LE18 exists as a justification for this.
10. The Council wishes greater weight to be placed on the provision of housing than tourist accommodation, and in this regard states that it wishes to 'protect' its demonstrable 5.72-year supply of deliverable housing sites. The use of dwellings as holiday lets could potentially contribute towards an increase in the need for new housing. However, as a single dwelling is involved, the scale of any increase would be insufficient to have any significant effect on the Council's position moving forward. It otherwise remains the case that my findings above indicate a lack of overall policy conflict.
11. Insofar as concern has been raised in relation to precedent, my findings above provide no grounds for such concern.
12. For the reasons set out above I conclude the development would not have an unacceptable effect on the local housing stock. To the extent that it is relevant, the development would not therefore conflict with Policy COM1 of the LP.

Other Matters

13. Interested parties have raised a number of additional concerns not shared by the Council. These include parking, water supply, noise and security. As the dwelling already exists, demand in relation to parking and water, and scope for the occupants to generate noise would presumably be little different, and no evidence has been provided which indicates that occupants of the let would present a security risk. As such I see no reason to take a different view.

Conditions

14. I have imposed a condition setting out the time period for commencement of the development for sake of certainty. There is no need for a plans condition given that the scheme entails a simple change of use.

Conclusion

15. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR