



Appeal Decision

Site visit made on 30 August 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/P1615/W/22/3298072

Hopewell Barn, Bailey Lane, Hewelsfield, Lydney, GL15 6XE

- 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 Jonathan Cockburn against the decision of Forest of Dean District Council.
 - The application Ref P1041/21/FUL, dated 24 May 2021, was refused by notice dated 5 November 2021.
The development proposed is the change of use from holiday permission to residential permission.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the tourist accommodation unit is viable and whether its change of use to a dwelling would adversely affect the local rural economy; and
 - whether the proposed development is consistent with local and national policies relating to the location of new housing development.

Reasons

Viability and the Rural Economy

3. The strategic objective of Policy CSP.7 of the Forest of Dean District Council Core Strategy (2012) (CS) is to develop the local economy. It states that priority will be given to sustaining the development of key economic sectors, including tourism. The policy states that where a site is underused and unsuitable (by way of environment or location) for any employment generating use (including service-based uses) then a mixed use may be appropriate (e.g. employment and housing) and failing that an alternative non employment use.
4. Based on what I viewed during my site visit, the holiday let is well appointed and benefits from a pleasant rural location. Its environment and location are therefore clearly suitable for its present use as holiday accommodation. In consideration of whether the enterprise is viable, the Council's position is that evidence to demonstrate that the viability of the enterprise has not been submitted. I am mindful that the policy does not specifically require such evidence to be submitted, however it aids in making a judgement against the policy requirements.

5. The appellant has provided a copy of his profit and loss accounts figures for the years 2017 to 2020. Over these four years, profits were made in two of the years and losses in the other two, although it does appear that one of the years detailed as a loss actually had a small profit. The appellant has advised that no wages have been taken from the figures, although due to the limited nature of the accounts this does not appear on them. For the period 2017 to 2020 the average profits are not high, however they are positive.
6. The appellants have provided details of his level of mortgage payments per month but these costs are not shown on the holiday let accounts as these accounts are for the enterprise and the mortgage covers both the appeal building and the appellant's home. Correspondence from the appellants mortgage company has however been submitted in support of this figure. The appellant states that the actual loss in the last four years of operating is much higher when taking account of mortgage repayments. However, this information relates to the personal financial circumstances of the appellant and not solely the enterprise, and as such I can only afford this limited weight.
7. The appellant has made reference to running and maintenance costs of the enterprise. However, these costs have not been provided in a breakdown which demonstrates that the holiday let is not viable.
8. The appellant's submission details his personal circumstances and concerns regarding safety which has led to him removing the accommodation from some letting sites and not pursuing a more vigorous advertising campaign. Additionally, his submission notes that he does not believe that he could manage an increase in lettings with the potential for same day change overs without employing outside help.
9. In his submission the appellant has provided details of quotes for cleaning the accommodation and advised of the difficulties of retaining such services due to the high levels of holiday accommodation in the area. I accept it may be difficult to attract cleaning staff when their services are high demand. I also accept that the prices quoted by the cleaning companies may be prohibitively expensive. I also acknowledge that the appellant may not be currently employing anyone. However, if the holiday use was lost, it would permanently remove this possibility.
10. I appreciate that there may have been a growth of holiday accommodation in the area in recent years, with the appellant providing details of 74 units of self-catering accommodation within 2 miles of the appeal site, providing accommodation for approximately 301 individuals. Whilst it could be argued that the loss of one holiday let would not be significant, this is an argument that could be repeatedly applied and in doing so seriously undermine the Council's strategic objective to develop the local economy, including tourism. Additionally, I have not been provided with any evidence that there is an over supply of such accommodation in the area.
11. The appellant has referred to appeal decisions relating to similar developments in Leddington and Gorsley and other decisions made by the Council, however I do not have the full circumstances of these cases. I have acknowledged above that there is no direct policy requirement that necessitates financial viability details being submitted. However, I am required to determine the appeal on its own merits.

12. I appreciate that the appellant is retired, and I recognise the difficulties associated with maintaining the accommodation. I have considered the appellant's personal circumstances and am sympathetic to his situation, including his financial circumstances. However, the financial situation of the appellant does not mean that the enterprise itself is unviable, and in the absence of marketing information or a viability appraisal I am not convinced from the information available that the holiday let on its own is unviable.
13. Whilst the proposal would contribute to housing supply in the area, I have not been provided with any evidence that there is a particular need for housing in this area. The appellant asserts that the proposal would be affordable in terms of average house prices in the area, however it has not been put forward as an affordable dwelling and no mechanism has been provided to secure it as an affordable dwelling, as such I can only give this minimal weight.
14. I cannot therefore conclude on the basis of the evidence before me that the holiday let is unviable. Its loss would therefore be harmful to the local rural economy, contrary to CS Policy CSP.7 which seeks, amongst other things, to ensure that proposals promote economic development and sustain key economic sectors. The proposal would also run contrary to paragraph 84 of the National Planning Policy Framework (the Framework) which seeks to support economic growth in rural areas.

Location

15. One of the strategic objectives of CS Policy CSP.4 is to promote thriving sustainable communities. The supporting text sets out the principle that development should be concentrated at settlements. To this end the policy states that most changes in towns and villages will be expected to take place within the existing settlement boundaries. It is stated that exceptions to this may include affordable housing and building conversions. CS Policy CSP.5 sets out the type, numbers and general location of new housing.
16. Policy AP1 of the Forest of Dean District Council Allocations Plan 2006 to 2026 (2018) (AP) states that the primary consideration when assessing planning applications will be whether or not the development is sustainable with the overall aim of improving the economic, social and environmental conditions in the area.
17. The site is not located within a development boundary and is therefore considered to be in the open countryside. When travelling along the access road to the site the area has a rural character, with agricultural fields, mature trees and hedgerows adding to its character. The site is located on a single-track road that slopes up towards the site with no footpaths or street lighting. The track provides access to the appeal site and a residential dwelling.
18. The site is located in between the villages of Brockweir and Hewelsfield, which contain limited facilities and services. St Briavels, some 2.2 miles to the north of the appeal site provides additional services and facilities such as a school, GP surgery, pub, cafe and shop. During my site visit, I noted that the roads that lead to St Briavels do not have a pavement and are unlit, additionally Bailey Lane, off which the appeal site is located, is a winding narrow road. Additionally, the appellants advise that there are no methods of public transport nearby and that parents are required to drive children to the nearest bus stops for school.

19. The distance between the site and these settlements, the narrow and sloped nature of the track and the lack of pavement and street lighting would discourage future occupiers of the proposal from walking or cycling to access shops, services and facilities. Therefore, it is reasonable to conclude that occupiers of the proposed dwelling would be heavily reliant upon the use of a private car to access shops, services and facilities, especially during the winter months when daylight hours are limited.
20. The appellant asserts that the use of the building as a dwelling would generate similar travel patterns to its current use. Whilst occupants are likely to use a private vehicle to explore the area, they would not be undertaking a daily commute to work or school or undertake other journeys associated with full time residential occupancy. Consequently, the proposal would not contribute to sustainable travel patterns.
21. I appreciate that problems may not have occurred since the use of the holiday accommodation commenced, such as disturbance or highway related issues, however this is a neutral factor which does not weigh in favour of the proposal.
22. I note the appellant has made reference to examples of similar developments nearby, but I have limited details of these. In any event, I have determined the appeal on its own merits.
23. In conclusion, the proposal would not provide a suitable location for housing having regard to the accessibility to services and facilities. Therefore, it would not accord with CS Policy CSP.4 or AP Policy AP1 which, amongst other things, seek to reinforce the existing settlement pattern and ensure development is sustainable with the overall aim of improving the economic, social and environmental conditions in the area. It would also not meet the aims of paragraph 8 of the Framework in terms of ensuring accessible services and facilities.

Other Matters

24. The appeal site is located in the Wye Valley Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act 2000 (CROW) places a duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of an AONB. Paragraph 176 of the NPPF requires "great weight" to be given to those matters in decision making. The proposal would not alter the external appearance of the building, and whilst there may be additional domestic paraphernalia associated with full time residential occupancy, this would likely be minimal due to the amount of curtilage and the topography of the land. As such the proposal would not result in unacceptable impacts on the AONB.
25. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan and the Framework.

¹ Paragraph: 008 Reference ID: 21b-008-20140306

Conclusion

26. For the above reasons, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR