



Appeal Decision

Site visit made on 25 October 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/D1265/W/22/3300725

Coach And Horses Hotel, A356 From Junction Lechers Lane East Through Village To Old Post Office, South Perrott DT8 3HS

- 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 J Harris against the decision of Dorset Council.
 - The application Ref WD/D/20/001708, dated 21 July 2020, was refused by notice dated 10 December 2021.
 - The development proposed is convert part of hotel (C1) into one private dwellinghouse (C3), relocate the existing managers flat as a two storey managers dwelling within the hotel. Erect storage extension to the east elevation and carry out fenestration changes. Extend existing drive to the rear to create access, parking and residential garden for one dwelling-Riverview Cottage. Form emergency pedestrian exit in the north boundary wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have taken the description of development from the Council's decision notice and the appellant's appeal form as this more accurately describes the appeal development.
3. At the time of my site visit, I saw that the development described above was substantially complete, although some of the fenestration changes and the private balcony to serve Riverview Cottage have yet to be implemented. I have dealt with the appeal on this basis.
4. The development was refused for three reasons. The appellant provided a Sound Insulation Acoustic Design Report with the appeal, in relation to the second reason for refusal. This concluded that the sound insulation of the party wall of Riverview Cottage and the Coach and Horses Hotel is sufficient to ensure that the new dwelling at Riverview Cottage would achieve adequate noise and amenity levels. The report recommended that a noise management plan could be implemented, including a sound limiter system, to control the upper limits of noise from the hotel to acceptable levels. The Council are satisfied that a noise management plan could be secured through the imposition of appropriate conditions, should I be minded to allow the appeal. In addition, the Council are satisfied that a higher fence could be secured via a suitably worded condition along the boundary between Riverview Cottage and the hotel to ensure adequate privacy levels could be achieved. Therefore, the second reason for refusal is no longer being pursued by the Council. As a result

of my observations on site, I have no reason to come to a different conclusion on the matter and I have determined the appeal on this basis.

Main Issues

5. The main issues are: -

- whether it has been adequately demonstrated that the tourist function of the nine-bedroom hotel was no longer viable; and
- whether the development would provide a suitable location for housing, having regard to the accessibility of services and facilities.

Reasons

Tourist function of the hotel

6. The Coach and Horses Hotel is a prominent, traditional stone built public house and hotel situated along the main thoroughfare running through the village of South Perrott. The L shaped building runs directly along the road and then projects southwards into the large car park associated with the building.
7. The planning history associated with the appeal site identifies that planning permission was granted in 2018¹ for the conversion of the Coach and Horses to form a hotel, with nine bed and breakfast rooms. The scheme permitted in 2018 retained a one-bedroom manager's flat and the trading bar area to the ground floor. According to the viability report, the premises only operated one full year (2017/18) as a nine-bedroom hotel. The application form states that the development started in January 2020, albeit the viability report states that the period of 2019/20 was the first full year trading as a six-bedroom hotel.
8. On the basis of the evidence before me, it has not been adequately demonstrated that the previous nine-bedroom hotel was no longer viable. This is especially as it only ran as a nine-bedroom hotel for one full year. The viability report was solely based upon the tax return summaries of the appellant, with the report stating there was very limited financial information to base their opinion of viability on, having been provided with no profit or loss accounts. I concur with the comment of the viability report itself which states that it was difficult to provide a definitive answer as to whether the business would have been viable with nine bedrooms due to the limited financial information.
9. I appreciate that the tax return summaries identified losses from the three years provided². Whilst I note that the appellant is expected to make a gross profit of £40,000 in 2021/22, no evidence has been provided to substantiate this figure. Therefore, I can only give limited weight to this alleged profit, especially given the limited information I have been provided with in terms of the operations of the hotel previously when it operated with nine bedrooms.
10. The development has also resulted in the reduction of the trading bar area, and I note the concerns of local residents in regard to the changes to the pub element of the hotel. On my site visit it was also noted that the pub is temporarily closed to non-residents. No information has been provided as to the impact that the reduction of the bar area has made in regard to the

¹ WD/D/17/002908

² The loss in the year 2017-18 is £34,633 rather than £134,633 as quoted in paragraph 12.7 of the viability report

viability of the premises as a whole. Therefore, there is currently insufficient information for me to be convinced that the reduction from nine to six hotel bedrooms, including the loss of the trading bar area, was the only possible solution to viably continue the tourist function of the appeal premises.

11. I acknowledge that six hotel rooms may be easier to manage than nine, in terms of the staff required to manage and maintain them. However, no figures have been presented to me regarding the nightly hotel rate, the rate of an additional staff member (or two staff members as alleged by the appellant) to assist with servicing the additional three rooms or with providing the guests with breakfast.
12. The claim that there has been a trend away from hotel accommodation towards self-catering accommodation is unproven. I also note the existence of other holiday accommodation in the locality and the challenges this may bring. However, given the alleged profit the hotel is expected to make in 2021/22, there is clearly still a need, and a profitable business to be had, for hotel accommodation in this area.
13. Therefore, based on the evidence before me, given the shortfall of information within the viability report, it has not been adequately demonstrated that the tourist function of the nine-bedroom hotel was no longer viable. The development would conflict with Policy ECON6 of the West Dorset, Weymouth and Portland Local Plan (Local Plan) (adopted 2015) which states that proposals that result in the permanent loss or reduction in size of hotels and larger guesthouses will be resisted unless it can be demonstrated that their tourist function is no longer viable and there is no market for the business as a going concern.

Suitable Location

14. South Perrott does not have an identified settlement boundary. The appeal site is therefore classified as open countryside. A two bedroomed manager's dwelling has been created, known as Coaching Corner, which involved the loss of one of the hotel rooms, as well as the reduction in the size of the bar area. Two of the hotel rooms, as well as the previous smaller manager's flat, have been converted to form a three bedroomed place of residence for the appellant's father, known as Riverview Cottage. Therefore, the development involves the creation of 2 new dwellings in the countryside.
15. The location of the two bedroomed manager's dwelling would be considered as a suitable form of development in this countryside location, on the basis that a suitably worded condition could restrict the occupation, should I be minded to allow the appeal. This is especially given that there was previously a manager's flat on site. The manager's dwelling would allow the appellant to live on site to assist with the management of the hotel and public house, which is not an uncommon arrangement. The principle of Coaching Corner is therefore acceptable, notwithstanding my concerns regarding the loss of one of the hotel rooms and reduction in the bar area in order to accommodate the dwelling.
16. However, the creation of Riverview Cottage would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. It is within an area with limited services and poor transport connections. It is appreciated that the dwelling is currently occupied by the appellant's father and

the associated benefits this brings in terms of reducing the need to travel. However, it is served by a separate pedestrian and vehicular access. It is a physically and functionally separate planning unit to that of the hotel and public house. The personal benefits that the development would bring would not outweigh the inappropriate location of the development in open countryside.

17. I note that paragraph 80 of the National Planning Policy Framework 2021 (the Framework) supports the re-use of redundant or disused buildings in countryside locations. However, as set out in my findings above, it has not been demonstrated that the hotel rooms which have been lost to form Riverview Cottage are redundant or surplus to the requirements of the hotel. Therefore, based on the evidence before me, the terms of paragraph 80 would not be applicable in these circumstances.
18. Whilst the dwelling may result in less traffic movements than three hotel rooms, there is a clear distinction between the vehicular movements relating to a hotel use, and the movements associated with the occupancy of a dwelling, which has not been demonstrated to require a countryside location. I therefore attach this alleged benefit limited weight in my decision.
19. In view of the above, whilst the countryside location of Coaching Corner would be suitable in these particular circumstances, the location of Riverview Cottage would be unacceptable, having regard to the accessibility of services and facilities. It would be contrary to policies INT1, SUS2 and HOUS6 of the Local Plan. Together these policies seek to ensure development is directed towards the larger and more sustainable settlements and that outside development boundaries, development will be strictly controlled, only supported in certain exceptional circumstances, which Riverview Cottage does not fall within.
20. The Council has also cited Policy SUS4 of the Local Plan in the third reason for refusal but has not provided any explanation as to how the development would conflict with this policy. Given that this policy relates to the replacement of buildings outside of defined development boundaries, I do not consider it to be relevant to the appeal development.

Other Matters

21. At the time that the decision was made, the Council were unable to demonstrate a five-year supply of housing. The Council in their appeal statement have included the up-to-date assessment of housing land supply, which now identifies that the Council is able to demonstrate 5.85 years of housing land supply. The appellant has not disputed this figure.
22. I have found that the development has not adequately demonstrated that the tourist function of the nine-bedroom hotel is no longer viable, and that Riverview Cottage would be in an unsuitable location for new housing. It would be contrary to the development plan in these respects.
23. Set against this, the development would provide a three bedroomed dwelling, as well as a two bedroomed manager's dwelling, that would help to support local services and facilities. Moreover, there are benefits associated with the occupation of Riverview Cottage by the appellant's father, in terms of reducing the need to travel.
24. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, the adverse impacts of granting planning permission

would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the development should be determined other than in accordance with the development plan.

25. The site is situated within the South Perrott Conservation Area (CA). As required, I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA. The special interest of the CA is derived predominately from its built form and layout, especially the use of stone which dominates the historic parts of the village. The existing building of the Coach and Horses Hotel contributes positively towards the character and appearance of the CA as a result of its traditional built form and siting, most notably its stone construction and its fenestration detail, including stone surrounds. Whilst I note that the Council make a brief reference to the 'poor quality' of the scheme, in particular the emergency pedestrian exit and the extension to the existing driveway, little justification has been provided as to why these elements would be harmful. Notwithstanding that the principle of the development would be unacceptable, I consider that the development would avoid harm to the significance of the CA and would preserve the character and appearance of the CA as a whole.
26. The appeal site falls within the hydrological catchment of the River Axe Special Area of Conservation (SAC). In their appeal statement, the Council raise the potential for the development to result in a net additional increase in nutrients which could have a negative impact on the River Axe SAC. The Council have carried out an Appropriate Assessment and concluded that in the absence of the development demonstrating nutrient neutrality, it cannot currently be determined that the development, in combination with other plans and projects in the river catchment, would avoid adverse effects on site integrity relating to nutrient impacts on the River Axe SAC. Had I been minded to allow the appeal, I would have sought more information on this matter. However, given my conclusion on the main issues, it is not necessary or appropriate for me to do so as I do not need to carry out an Appropriate Assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I do not need to consider the matter any further.
27. Concerns have been raised by neighbouring properties in regard to the potential for overlooking from the balcony associated with Riverview Cottage. It is considered that due to the siting and distance of the balcony, and its relationship with neighbouring properties, the proposed balcony would not harm the privacy of neighbouring properties, by virtue of overlooking. I also note the Council did not raise any concerns in regard to this matter.

Conclusion

28. The appeal scheme would conflict with the development plan when read as a whole. There are no material considerations, including the approach of the Framework and that are worthy of sufficient weight, that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

Laura Cuthbert

INSPECTOR