



Appeal Decision

Site visit made on 11 April 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023

Appeal Ref: APP/T2405/W/22/3307992

Holiday Let Chalet, Granitethorpe Quarry Disused, Leicester Road, Sapcote, Leicestershire LE9 4JF

- 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 John Mac against the decision of Blaby District Council.
 - The application Ref 22/0135/FUL, dated 9 February 2022, was refused by notice dated 12 August 2022.
 - The development proposed is change of use to allow unrestricted residential occupation of existing three-bedroom short term holiday let.
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Decision

1. The appeal is dismissed.

Background

2. The proposal that is before me follows previous successful appeals¹ relating to the same property, where an enforcement notice was quashed, and planning permissions were granted for development including building operations consisting of the reconstruction of a derelict abandoned building as holiday let accommodation.
3. In the case of both permissions granted on appeal, conditions were imposed confirming that the building shall not be occupied as a permanent dwelling or by any person or group of persons for a period exceeding 28 days in any calendar year, and that an up-to-date register of the names and addresses of all occupiers and the dates and durations of their stays is maintained. These conditioned restrictions have been reiterated through subsequent permissions² for amendments to the building's design/layout. The proposal that is before me is centred upon the establishment of a residential use unaffected by the occupancy restrictions that currently apply.
4. The submitted plans indicate the addition of a covered porch, which has already been constructed at the site. The Council has raised no objections to this small-scale addition, such that, for the purposes of this decision, I shall focus upon the effects of the intended unrestricted occupancy of the building.

Main Issue

5. Whether or not the site represents an appropriate location for housing with unrestricted occupancy, having particular regard to the requirements of the development plan and the accessibility of facilities and services.

¹ APP/T2405/C/18/3201093 and APP/T2405/A/18/3201143, both determined 29 August 2018

² 18/1751/FUL; 19/1142/FUL; 20/1189/FUL

Reasons

6. The main body of the appeal site is detached and physically separate from the village of Sapcote. Indeed, only the initial stretch of a lengthy access track, that also serves as a public footpath and bridleway, is located within the village's defined Settlement Boundary, as per the Policies Map of the Blaby District Local Plan (Delivery) Development Plan Document (adopted February 2019) (the DDPD), and the Limit to Built Development, as defined through the Fosse Villages Neighbourhood Plan (made June 2021) (the NP). Moreover, the land where the appeal building is situated comprises Countryside in local planning policy terms.
7. As set out at Policy CS18 the Blaby District Local Plan (Core Strategy) Development Plan Document (adopted February 2013) (the CS), the need to retain Countryside will be balanced against the need to provide new development in the most sustainable locations. Meanwhile, Policy FV8 of the NP indicates that support for proposals for housing development situated outside the Limit to Built Development shall be limited to specific circumstances. These include where small scale housing is proposed in the most sustainable locations, assessed against the need to retain the Countryside. The National Planning Policy Framework (July 2021) (the Framework), I note, recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and states that this should be taken into account in decision-making.
8. Sapcote, which is defined as a 'Medium Central village' through the CS, contains a somewhat narrow range of facilities and services, including a convenience/food store, a primary school, a library, a public house, a social club, churches, a sports pavilion and playing fields. This finding is consistent with the supporting text to Policy CS5 of the CS, where only a limited range of key services and facilities, very limited employment opportunities and an infrequent bus service are identified. In fact, it has been brought to my attention that Sapcote is currently without a timetabled bus service. Only an 'on demand' service is available from the village, which I understand allows travel as far as Fosse Park Shopping Centre from where onward travel to Leicester city centre, for example, would need to be separately arranged.
9. Furthermore, whilst the route from the appeal building to the heart of Sapcote is served by footway and is typically well-lit, the distances involved are not short. Thus, when also factoring in the somewhat narrow range of facilities and services on offer within the village, and the lack of a regular timetabled bus service, it is seemingly inevitable that future occupiers would look to utilise private modes of transportation for at least a considerable portion of their trips. Therefore, whilst the appeal building can be fairly described as reasonably well-related to Sapcote, a settlement that has been the subject of recent growth, I cannot find its position to represent a most sustainable location.
10. I note here that Policy FV8 contains a provision related to replacement dwellings which the appellant has sought to apply to the appeal proposal on the basis that their scheme seeks to replace a restricted occupancy dwelling with an unrestricted residential use. However, to my mind, this particular provision of the policy is not directly applicable to a proposal primarily centred upon the removal of current occupancy restrictions. Moreover, Development Management Policy 2 of the DDPD, which guides development in the

Countryside, indicates that replacement dwellings will require an existing habitable dwelling to be located on the site that has recently been occupied as a main residence.

11. It has been set out that a self-contained residential unit affording all the facilities ordinarily required for day-to-day existence already exists at the site. It has also been highlighted that there is no current requirement for the building to be kept vacant for any period of time. Whilst I acknowledge these points, the occupation restrictions were imposed by the previous Inspector in recognition that dwellings would not normally be permitted in the Countryside and in lieu of the support he identified would be provided by holiday let accommodation to rural tourism. Whilst any proposal must be considered upon its own individual merits, it is of material relevance that the CS comprised part of the development plan at the point in time of the previous Inspector's decisions and that Policy CS18 directly informed his decision making. Furthermore, whilst the DDPD and the NP now both also comprise part of the development plan, neither policy document contains provisions to undermine the purpose and intentions of Policy CS18.
12. Moreover, there are distinguishable differences between residential occupation on a permanent basis when compared to occupation on a short-term holiday let basis. For example, with a holiday let, it is reasonable to presume that periods of vacancy would naturally occur, most particularly during colder winter months and outside of recognised holiday or peak tourism periods. Furthermore, notwithstanding any suggestion made to the contrary, the activities and movements of holiday-let occupiers, likely led, to at least some degree, by recreational opportunities and desires, would differ to those typically expected of any future permanent occupier whom, for example, could be required to access a place of work/education on a day-to-day basis.
13. My attention has been drawn to a 2022 appeal decision³ relating to a site in the East Devon District where planning permission for a change of use from a holiday let to a dwelling was granted. Whilst the Inspector in that case ultimately identified that no significant overall difference between permanent and temporary occupiers of the property in question would arise, and that the environmental qualities of the area relevant to that appeal would not be unacceptably harmed, he also acknowledged that patterns of travel could undoubtedly differ between permanent and temporary occupants dependent upon their specific circumstances. It is also relevant that the 2022 appeal decision was made in the context of a different development plan and in a far-removed region of the country. Thus, it is a decision of limited relevance to my considerations.
14. For the above reasons, having particular regard to the requirements of the development plan and the accessibility of facilities and services, the proposal would cause harm by virtue of the site not representing an appropriate location for housing with unrestricted occupancy. The proposal conflicts with Policy CS18 of the CS and Policies FV7 and FV8 of the NP in far as these policies promote small scale housing in the most sustainable locations.
15. For the avoidance of doubt, I do not identify direct conflict with Policy CS5 of the CS on the basis that it focuses on the distribution of housing in broad overarching terms. I also note here that Development Management Policy 2 of

³ APP/U1105/W/22/3298314

the DDPD is of somewhat limited relevance to my considerations. This is because its detailed criteria apply only where development proposals in the Countryside are consistent with Policy CS18.

Other Matters

16. I have noted reference to the tourism industry having been significantly impacted upon by the Covid-19 pandemic. However, any specific lasting implications for the holiday let at this site have not been clearly illustrated. For example, it has not been substantiated that a holiday let operation is no longer feasible or viable, nor that any lasting effects of the pandemic lend direct support to the removal of current occupancy restrictions.
17. I have also noted objections/concerns raised by interested parties with respect to matters including an alleged failure to comply with previously imposed planning conditions, traffic impact, sewerage/drainage arrangements, and the effect upon bridleway access. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore such matters further here.

Planning Balance

18. In terms of the scheme's benefits, an addition unit of housing with unrestricted occupancy would be provided on previously developed land and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and making an effective use of land. However, given the scale of development under consideration and the existence of a residential use presently (albeit restricted), I apportion limited weight to these benefits.
19. It is also the case that permanent residential occupancy of the appeal property would be likely to provide some additional support to local community facilities and parts of the local economy when compared to current circumstances. Such benefits, which would be minor in scale and extent, attract limited weight.
20. Furthermore, it has been asserted that an unrestricted residential use would support equestrian activities on neighbouring land. However, no case has been clearly made that the proposed unrestricted residential use would be essential for this purpose. As such, noting the private nature and relatively limited scale of neighbouring equestrian facilities, any benefits to be accrued in this sense attract minimal weight.
21. The proposal's benefits, considered cumulatively, would be modest and, in my judgement, would not outweigh the harm I have identified by virtue of the site not representing an appropriate location for housing with unrestricted occupancy. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

22. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR