



Appeal Decision

Site visit made on 17 May 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 5 June 2023

Appeal Ref: APP/J0405/W/22/3308848

Bridge House, Verney Road, Addington, Buckinghamshire MK18 2JX

- 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 Mrs B Ruffell against the decision of Aylesbury Vale District Council.
 - The application Ref 22/01221/APP, dated 31 March 2022, was refused by notice dated 11 August 2022.
 - The development proposed is "change of use of ancillary building to use as holiday let".
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an ancillary building to use as a holiday let, at Bridge House, Verney Road, Addington, Buckinghamshire MK18 2JX, in accordance with the application 22/01221/APP, dated 31 March 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary matter

2. The proposal as described in the application is for a change of use. The accompanying plans also show some minor physical alterations to the building, including the insertion of a new external door and window, and new internal partition walls. The Council does not appear to object to these works as such. In so far as any of the works shown might be considered to be operational development for which planning permission is needed, I have treated these as part of the proposal which is now before me.

Main issue

3. In the light of the submissions made, the main issue in the appeal appears to me to be whether the proposed use as a holiday let is acceptable, having regard to the relevant planning policies and any other material considerations.

Reasons for decision

The appeal site and proposal

4. The appeal relates to a detached, single-storey outbuilding, within the curtilage of Bridge House. The building in question is a brick-built structure, most recently used by the appellant and her husband as a home gym. The proposed alterations would create a reasonable-sized living /dining room and kitchen area, plus two double or twin bedrooms and a bathroom. The submitted plans also provide for a separate outdoor amenity area and two dedicated parking spaces. Bridge House itself would retain its own private gardens to the side and rear, plus a garage and further parking.

Relevant development plan policies

5. The local plan for the area is the Vale of Aylesbury Local Plan (the VALP), adopted in September 2021, which covers the former Aylesbury Vale District.
6. VALP Policy C1, 'Conversion of Rural Buildings', permits the re-use of existing buildings in the countryside, subject to various requirements and criteria. These include that the building should be of permanent and substantial construction, and is redundant, and is suitable for the intended use, without major extension; and also that the building is not visually harmful or damaging to the environment, and is not located well away from existing settlements and utilities. In the present case, it does not appear to be disputed that all of these are met by the appeal proposal, except the last. With regard to that criterion, whilst Bridge House is outside the main core of the village, it is part of a cluster of properties, with mains services available. To my mind, this indicates that the site's location in relation to the settlement pattern is acceptable. I note the Council's apparent contention that Policy C1 is not applicable to the appeal proposal, but in the absence of any further explanation, I can see no basis for that suggestion. On the evidence before me, I am satisfied that Policy C1 is relevant to the appeal scheme, and that the scheme complies with it.
7. In addition, the VALP also includes Policy E8, which relates specifically to the provision of tourist accommodation, and supports such development, subject to a list of further criteria. In smaller villages, 'other settlements', and in the countryside, these criteria are: (c) that the building should be existing; (d) it is accessible by a choice of transport modes; (e) that the proposal is needed to support a particular rural tourist facility or attraction; (f) it would benefit the local economy; and (g) it should be compatible with the local landscape and environment. The policy's stated purpose is to promote a vibrant and competitive tourism sector, by ensuring a supply of good quality accommodation for a range of visitor needs.
8. In the present case, there is no dispute that the appeal proposal would involve an existing building, and would have no impact on the landscape setting, or the character of the area; nor that it would assist, albeit modestly, in supporting local tourism and benefit the rural economy. The scheme would thus meet Policy E8's criteria (c), (f) and (g), and would support the policy's objectives. With regard to criterion (d), the site is adjacent to National Cycle Route 51, and the local footpath network, and is a short taxi ride from the new Winslow rail station, which is under construction. Car journeys to facilities in any of the nearby towns, especially Winslow, but also including Buckingham, Bicester and Milton Keynes, would be relatively short. There is no convenient bus service; but Policy E8 stops short of making this a specific requirement, and indeed, given that the criteria set out above are expressly addressed to the more rural parts of the area, such a requirement would clearly be difficult to meet on many sites. On balance therefore, I consider that the choice of transport modes at the appeal site is sufficient to satisfy Policy E8's criterion (d).
9. However, in relation to criterion (e), there is no evidence that the holiday unit now proposed is specifically required for the purposes of supporting any existing tourist facility or attraction. Whilst it is said that the Addington Equestrian Centre attracts significant numbers of competitors and spectators, there is no suggestion that the future of that venue is dependent on the present appeal proposal. On the evidence available therefore, criterion (e) is

not met. Whilst this is only one criterion out of several, the wording of Policy E8 seems to suggest that the criteria are to be met in full.

10. On this basis therefore, the appeal proposal fails to comply with Policy E8 as a whole. It follows that the scheme also fails to accord with the development plan as a whole.

Other considerations relating to tourism

11. In the National Planning Policy Framework (the NPPF), paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest and expand, with significant weight being given to supporting economic growth. Paragraph 84 requires authorities to seek to enable the sustainable growth of all types of businesses in rural areas, and especially rural tourism developments which respect the character of the countryside. Paragraph 85 makes clear that, in rural areas, sites may have to be found in locations that are not well served by public transport.
12. In general, the approach advocated by the NPPF towards rural businesses, and especially rural tourism, is one of positive encouragement. In this respect, national policy differs quite markedly from the more cautious tone of the VALP. Nothing in national policy endorses the Policy E8's criterion (e), relating to the requirement to support a specific tourist attraction. Nor does the NPPF appear to support the restrictive effect that this particular requirement would appear likely to have in the case of the appeal proposal.
13. Furthermore, notwithstanding Policy E8, the VALP's supporting text acknowledges the important role that tourism plays in the Aylesbury Vale area's economy, although here the sector is less well developed than in other parts of Buckinghamshire (paragraph 6.24). The VALP also acknowledges that the area's rural scenery is one of its main attractions, and that this will require an increase in small-scale tourist accommodation, in the rural areas outside the towns (paragraph 6.31). The conversion and re-use of existing buildings is identified as an important element in achieving this aim in a sustainable manner (paragraph 6.32).
14. In the present case, the appeal proposal would add to the quantity and variety of tourist accommodation in the area. The proposed unit would provide visitors with good access to attractive countryside, and would be within relatively easy reach of urban facilities and nearby tourist attractions. As such, the development would bring benefits for the visiting public, and for the rural economy.
15. The majority of clients staying at the proposed new unit would be likely to travel to it by car, and to make some short or medium-length car trips during their stay. But realistically, rural tourism in an area such as this is always likely to involve a certain amount of car travel. In this respect, the appeal property's proximity to popular walking and cycling routes would at least offer some choice of other options, for those seeking such opportunities. And the appellant's stated intention to target the property's marketing towards cycling and triathlon enthusiasts would be likely to bring it to the attention of prospective customers with relevant leisure interests. There is no evidence that the impact of the present appeal proposal, in terms of the length and number of car journeys generated, or the consequent emissions, would be any greater than those associated with any other rural holiday lets in the area.

16. Given the proposal's small scale nature, and the relatively low level of use anticipated by the appellants, the economic and tourism benefits would be relatively modest. But, for the same reasons, so too would any environmental harm resulting from the relatively small number of car trips likely to be associated with it. In this regard, the Council's approach of emphasising the potential for harm, whilst also dismissing the economic benefits, seems inconsistent. In my view the scheme's size weighs neutrally.

Planning balance

17. As set out above, the appeal proposal fails to accord with the development plan, due to its conflict with criterion (e) of Policy E8. This conflict relates to the policy's requirement for new tourist accommodation in the rural area to be justified by a specific need, relating to a particular tourism attraction.
18. But on the other hand, the development would bring benefits for those seeking holiday accommodation, and for the promotion of local tourism, and for the rural economy. National policy generally favours such developments, and a local need is acknowledged in the VALP. Despite its conflict with a single criteria in Policy E8, the appeal scheme would accord fully with VALP Policy C1, relating to the conversion and re-use of existing rural buildings generally. The proposal is small in scale, and consequently any adverse impacts would, at worst, be minor.
19. Overall, although there is a conflict with Policy E8, that conflict is both limited and minor. On balance, it seems to me that in this case that conflict is clearly outweighed by the combined weight of the other considerations identified.

Other matters

20. The Council also refers to VALP Policies S1, S2, S3, which relate to the overall development strategy for the VALP area. But Policy C1 is clearly designed to permit the conversion and re-use of existing buildings throughout the rural area. Policy E8's criteria (c) – (g) likewise provide for developments in smaller villages and the countryside. The appeal proposal's compliance with these policies is addressed above. In the circumstances, it is not necessary for me to consider Policies S1, S2 or S3 further.

Conditions

21. The conditions that I shall impose are based on the draft list suggested by the Council. In some cases I have edited these for clarity and consistency, or to meet the tests in NPPF paragraph 56.
22. Condition 1, setting out the time limit for commencement, is necessary to accord with the relevant legislation. Condition 2, defining the approved plans, is needed for reasons of giving certainty to the nature of the development.
23. With regard to Condition 3, I agree that a condition restricting the occupation of the building to holiday use is reasonable, given the extent to which the appellant's case has relied on the benefits to tourism, and the weight that I have given to this in reaching my decision. However, it seems to me that a requirement to keep a register, and make it available to the Council, would risk infringing the occupants' rights to privacy. This element of the draft condition would thus be likely to be unenforceable, and I have deleted it. I have also deleted the Council's suggested clause seeking to prevent the separate disposal

of the appeal building from the existing dwelling, because ownership is not a planning matter.

24. Condition 4, relating to parking, is necessary for reasons of highway safety. With regard to Condition 5, given that a charging point already exists at the site, it would not be reasonable to require the provision of another in addition; instead, I have modified the condition to ensure that the existing facility is managed so as to ensure its shared availability to all occupiers. The condition, as thus modified, is needed in the interests of promoting sustainable transport. So too is Condition 6, relating to cycle parking.
25. Condition 7 requires the provision of suitable boundary treatment, in order to ensure satisfactory privacy between the separate garden areas. Condition 8 requires biodiversity enhancement measures, in order to comply with VALP Policy NE1. Given the small size of the development, it is not necessary in this case for the latter condition to require any detailed calculations or metrics.

Conclusion

26. For the reasons explained in this decision, I have concluded that the limited and minor conflict with a single criterion of VALP Policy 8 is outweighed by the proposal's economic and tourism benefits, and by the support given to such development in national policy. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plans, numbered VR/CH/01 (Layout Plan) and VR/CH/03 (Floor Plans and Elevations).
- 3) The accommodation to which this permission relates shall be used for holiday lettings only, and not as any person's sole or main place of residence. The unit shall not be occupied by any person or group of persons for stays exceeding a total 28 days in any calendar year.
- 4) The new holiday letting accommodation shall not be brought into use until two parking spaces, as shown on Drawing No VR/CH/01, have been reserved for use by the occupants of that unit. Thereafter, the said spaces shall remain reserved for use in connection with the holiday unit, at all times when the unit is occupied.
- 5) The new holiday letting accommodation shall not be brought into use until a scheme for the management of the existing charging point for electric vehicles at the site has been submitted to the local planning authority and approved in writing. The scheme shall set out details as to the arrangements for ensuring that the charging point will be made available to occupants of the holiday accommodation if and when required. Thereafter, the charging point shall be retained and made available in connection with the holiday unit, in accordance with the details thus approved.
- 6) The new holiday letting accommodation shall not be brought into use until a secure, covered cycle store has been provided, in accordance with details to be submitted to the local planning authority and approved in writing. Thereafter, the cycle store shall be retained and kept available for use in connection with the holiday unit, at all times when the unit is occupied.
- 7) The new holiday letting accommodation shall not be brought into use until a boundary fence or other boundary treatment been provided, between the rear gardens of the new unit and the existing property, in accordance with details to be submitted to the local planning authority and approved in writing. Thereafter, the approved boundary treatment shall be retained and maintained, for as long as the proposed holiday use continues.
- 8) The new holiday letting accommodation shall not be brought into use until measures to enhance the site's biodiversity have been provided, in accordance with details to be submitted to the local planning authority and approved in writing. Thereafter, the approved biodiversity enhancement measures shall be retained, for as long as the proposed holiday use continues.