

Appeal Decision

Site visit made on 8 June 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2023

Appeal Ref: APP/X3540/W/22/3312548

The Cabin Holiday Let, Park Farm, Kings Lane, Weston, Suffolk NR34 8TG

- 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 Cornelis Spaans against the decision of East Suffolk Council.
 - The application Ref DC/22/3275/FUL, dated 16 August 2022, was refused by notice dated 5 December 2022.
 - The development proposed is change of use from holiday let to C3 Residential.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on existing tourist accommodation and related to this the suitability of the location for the proposed use.

Reasons

3. The appeal property is a detached single storey property located within a small group of predominantly residential buildings on Kings Lane, which leads onto the main London Road to the east. The surrounding area is rural in character and appearance. The site was originally used in connection with the neighbouring dwelling, Park Farm, although the appeal property is now located within a separate curtilage with its own access. The current use is as a holiday let, with a condition imposed on the original permission that restricts its use for holiday accommodation and that it shall not be used for any other purpose, including residential use¹.
4. Policy WLP1.1 of the East Suffolk Coastal – Waveney Local Plan (2019) sets out the scale and location of growth across the plan area, while Policy WLP7.1 defines the rural settlement hierarchy and planned growth. Policy WLP1.2 of the Local Plan concerns settlement boundaries and states that land which is outside defined boundaries or development allocations is considered as countryside where new residential development will not be permitted, except where specific policies indicate otherwise. The appeal site is not within an identified settlement and, therefore, is located within the countryside.

¹ Ref DC/14/0906/COU.

5. A footnote to Policy WLP1.2 clarifies that new residential development does not include dwellings restricted by condition for use as holiday lets, as is currently the case with the appeal property. Therefore, any unrestricted residential use of an existing property as proposed here would not be permitted in accordance with the policy, unless there are specific policies that indicate otherwise.
6. Policy WLP8.17 is relevant in this regard as it concerns existing tourist accommodation. It says that such accommodation will be protected and that a change of use will only be considered in exceptional circumstances where it can be fully and satisfactorily demonstrated that there is no demand for the tourist accommodation. The policy requires evidence of marketing of a property for a minimum of 12 months in accordance with requirements that are included in an Appendix to the Local Plan.
7. I have had regard to the arguments made by the appellant in support of the proposal, including that management of the property from abroad is challenging; that the Covid pandemic has added further challenges; and that there is limited demand for holiday lets, while demand for small residential properties is high. While I acknowledge these issues, they do not overcome the requirement in Policy WLP8.17 for the property to be marketed in accordance with the policy, in order to assess whether or not there is a demand for its current use. There is no basis to find the policy out-of-date, particularly as it takes a balanced approach to the protection of tourist accommodation, with the opportunity to demonstrate that there is no demand for continued use of a specific property.
8. The appellant also contends that a new-build residential dwelling would be permitted in this location in accordance with relevant Local Plan policies and, therefore, it would be possible to demolish the building and replace it. However, this would require a separate application for permission for unrestricted residential use and, despite the appellant's assertion to the contrary, I have no certainty that permission would be granted. For this reason, this matter does not amount to a fallback to the current proposal.
9. Evidence of marketing is provided in the form of an estate agent's letter indicating that the appeal property has been marketed as a holiday let since September 2020 with no success, despite 29 viewings. A screenshot of the marketing details from a website is also provided and the appellant indicates the sale price and average property price in the area. While I acknowledge this evidence, Policy WLP8.17 is clear that the marketing approach should accord with the details included in the Local Plan. The relevant Appendix indicates that a Marketing Report should accompany an application for an alternative use.
10. The report should include a comprehensive review of the marketing undertaken, including details of the marketing strategy, the duration and dates of the campaign, evidence that the strategy was delivered and a full record of enquiries received throughout the course of the marketing campaign. While the evidence provided in this case provides a broad overview of the marketing, it does not meet the expected requirements of a Marketing Report that should accompany the application. As such, it is not possible to assess, in the terms of Policy WLP8.17, whether it has been fully and satisfactorily demonstrated

that there is no demand for the continued use of the appeal property as tourist accommodation.

11. The appellant refers to a separate application for change of use of a guest house that was approved by the Council. However, I am unaware of the details of that case, in particular any marketing that was undertaken and I have considered the current proposal on its merits based on the evidence provided. As such, this separate proposal cannot be considered as directly comparable to the current appeal proposal.
12. Taking these findings as a whole, while some evidence of marketing has been provided, this is not sufficient to demonstrate compliance with the requirements of Policy WLP8.17. Consequently, it is not possible to conclude that it has been fully and satisfactorily demonstrated that there is no demand for the tourist accommodation in this location.
13. Consequently, in these circumstances I conclude that this is not a suitable location for the proposed unrestricted residential occupancy, which is contrary to Policies WLP1.1, WLP1.2 and WLP7.1 of the East Suffolk Coastal – Waveney Local Plan, as described above.

Other Matters

14. I have had regard to the representations made by interested parties. However, these do not raise any matters in addition to the main issue in this appeal that would lead to a different overall conclusion.

Conclusion

15. The proposal is contrary to the development plan and there are no other material considerations that outweigh this conflict. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR