



Appeal Decision

Site visit made on 30 June 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 07 July 2023

Appeal Ref: APP/F3545/W/22/3311130

Lower Farmhouse, Barrow Road, Great Saxham, Suffolk IP29 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Mr W J Phizacklea against the decision of West Suffolk Council.
- The application DC/22/0889/VAR, dated 17 May 2022, was refused by notice dated 5 August 2022.
- The application sought planning permission for the conversion of stable building to two holiday lets without complying with a condition attached to planning permission Ref DC/21/1560/FUL, dated 12 April 2022.
- The condition in dispute is No 3 which states that *"The holiday let unit hereby permitted shall be occupied only as holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning Use Classes Order 1987 as amended or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order). The development shall not be occupied as a person's sole or main place of residence. Each letting as holiday accommodation shall not exceed a period of three weeks nor shall the unit be let or occupied to any one individual or party for a period exceeding four weeks in total within any 12 month period. On commencement of the holiday let use hereby permitted, the owners/operators of the holiday let unit shall keep at all times an up-to-date Register of all lettings which shall include the name and address of the person or party occupying the accommodation during each individual letting. The Register shall be made available for inspection on demand by the Local Planning Authority"*.
- The reason given for the condition is: *"To safeguard the character and appearance of the area, in accordance with policy DM34 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 6 of the National Planning Policy Framework and all relevant Core Strategy Policies"*.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was approved in April 2022 for the conversion of a stable building to two holiday lets under planning permission ref DC/21/1560/FUL. This was subject to several conditions including No.3, as detailed above, which permitted holiday let use only. In other words, the planning permission expressly excluded any other residential use. The condition is worded in such a way that it would not allow visitors to stay more than three weeks at any one time and no more than four weeks in a twelve-month period.
3. In respect of this appeal, the appellant considers that the above condition is overly restrictive. He is seeking planning permission for the same development albeit with a varied condition No.3 so that it reads *"The holiday let shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The hereby approved holiday let shall not be occupied between 05 January and 05 February in any calendar year. The owners/occupiers shall maintain an up-to-date register of all owners/occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority."*
4. The main issue is therefore whether there is adequate planning justification for varying condition No 3 of planning permission DC/21/1560/FUL in terms of ensuring that it effectively controls the use of the units as holiday let accommodation.

Reasons

5. I acknowledge that the appellant considers that condition No.3 is restrictive. I also note the examples of other appeal decisions referred to by the appellant¹ where Inspectors have imposed conditions relating to holiday let uses which are worded in a similar way to that requested as part of this appeal. However, it is also the case that there is at least one other appeal decision², as referred to me by the Council, where an Inspector considered that it was necessary for a holiday let condition to be worded in a similar way to that which is imposed in respect of planning permission DC/21/1560/FUL. It is therefore clear that Inspectors have approached holiday let type conditions in the area in different ways. In this context, it is reasonable that I determine this appeal on its individual planning merits and based on my own professional planning judgement.
6. There is no dispute between the main parties that the imposition of a condition which restricts use of the properties to holiday let purposes only is reasonable and necessary given the limitations imposed in respect of policies DM28, DM33 and DM34 of the West Suffolk Joint Development Management Policies Document 2015 (WSJDMPD).
7. I acknowledge that the appellant would like more flexibility in terms of the wording of condition No.03 and that visitors may wish to stay for longer than the periods specified in the currently worded condition. However, other than proposing no holiday let use between 05 January and 05 February in a calendar

¹ Appeal references APP/J3530/W/17/3187178, APP/W3520/W/16/3148952 and APP/E3525/W/19/3226292

² Appeal references APP/F3545/W/22/3303861 & 3303862

year, the appellant's proposed variation of condition No.3 could facilitate long periods of use by the same occupier(s) with minimal breaks between them, amounting to a use which, in my judgement, would be akin to a permanent residential use.

8. I find that limitations on the length of stay, as detailed in the currently drafted condition No.3, are necessary to maintain the nature of a holiday use as envisaged by the Council when it granted planning permission. While the appellant's clause requiring a register of persons staying in the holiday lets would go some way towards enforcing holiday use, without restrictions on the duration of use, it would be difficult to establish whether longer term stays were in fact a holiday use.
9. I therefore conclude that there is not adequate justification for varying condition No.3 of planning permission DC/21/1560/FUL in the way proposed by the appellant. If this did happen, it would potentially result in occupation of the appeal properties in a manner which was akin to use as a permanent dwelling house use. Consequently, I find that condition No. 3 of planning permission DC/21/1560/FUL is reasonable and necessary in so far as meeting the economic, sustainability and tourism requirements of policies DM28, DM33 and DM34 of the WSJDMPD.

Conclusion

10. For the reasons outlined above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR