



Appeal Decision

Site visit made on 30 January 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/Y3940/W/23/3326380

The Dairy and Parlour, Hornbeam Grange, Cricklade, Wiltshire SN6 6HZ

- 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 PJT Developments Ltd against the decision of Wiltshire Council.
 - The application Ref PL/2023/02085, dated 13 March 2023, was refused by notice dated 19 July 2023.
 - The development proposed is change of use to provide 2 No Unrestricted Dwellings (C3), removing the existing holiday let restrictions.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted in 2019 for the construction of two holiday let units. Following completion, the appellant is seeking permission to allow the permanent occupation of the properties for residential use.
3. Having regard to the information before me, the main issues, are therefore:
 - Whether it has been sufficiently demonstrated that the appeal properties are not viable as holiday let units; and
 - Whether the appeal site is an appropriate location for permanent residential dwellings.

Reasons

Viability of the holiday let units

4. The appeal site is formed of a former agricultural building converted into two holiday let properties located within a rural landscape. The building is located within open countryside and the nearest settlement containing services and facilities is Cricklade which is located approximately 1.1 miles from the site.
5. Details have been provided of marketing between February 2021 and June 2023. During this period the properties were marketed as a 'finished product' through a number of property agents, including specialist advisors in the hospitality sector and coverage appears to have been widespread utilising a range of marketing strategies and databases.
6. Notwithstanding the number of agents involved the marketing covers a reasonable time period and from the information before me it appears that the

appellants expectations have not been unreasonable in terms of pricing of the properties.

7. Therefore, based upon the evidence before me and in the absence of any clear indication from the Council as to what would form proper marketing it is likely that the properties are not attractive to the market.
8. However, this marketing is aimed at establishing the demand for acquiring The Dairy and Parlour as a pre-packaged business or second home. This is not the same as advertising the properties for rent as holiday units. In my view it is important to distinguish between the two.
9. In terms of holiday rental, the properties are advertised through a tourist accommodation management system offering them on a number of different online platforms. The appellant indicates that the properties are priced competitively depending on demand, however there is nothing substantive before me to support this. Whilst the letter from Orion Holidays offers advice on the price point for the properties there is nothing to indicate that their advice was followed. Therefore, I give limited weight to it.
10. Whilst there were losses in 2021 this was somewhat of an anomalous year following the relaxation of pandemic lockdown restrictions and the figures exclude the post-pandemic bounce in bookings. As such, I cannot be certain that the figures presented paint an accurate picture of income for that year. It appears that based on income there was an uplift in 2022 resulting in a profit for that year. I acknowledge that the appellant has provided more recent figures including the first two quarters of 2023, however, this period does not include the summer school holidays which one would expect to be the busiest time of year for such properties and thereby generating income for the appellant. Therefore, I am not satisfied that the financial information is a robust depiction of the situation.
11. Furthermore, the Guest Register which covers a similar period indicates consistent bookings and reasonable occupancy levels throughout that time frame suggesting that demand for holiday accommodation at Hornbeam Grange exists.
12. I acknowledge that there is no detailed guidance from the Council on how to demonstrate sufficient marketing of properties with occupancy conditions. However, evidence on the viability of the use should be taken over a sufficient time period that is not influenced by abnormal circumstances.
13. Whilst the appellant suggests that properties located within the Cotswold Water Park are likely to be more attractive to visitors, that does not mean that the appeal properties, in an attractive rural area, would not be viable.
14. In the absence of full up-to-date evidence, I cannot conclude that the properties as units of holiday accommodation are not viable. I also find that the unsuccessful attempts to dispose of the properties as a finished product does not demonstrate a lack of demand for holiday accommodation in this location.

Appropriate location

15. Core Policy 2 of the Wiltshire Core Strategy (2015) (CS) seeks to deliver sustainable patterns of development. It states that proposals outside of the

defined limits of development are not supported unless permitted by other policies in the CS.

16. The site is some distance from local services in Cricklade. The surrounding roads are devoid of footpaths and street lighting and there are no cycle routes linking the site. Walking and cycling to and from the site to local services would be difficult and would be especially so for the young, the elderly and those with mobility issues. This would be particularly so during the hours of darkness and inclement weather. In these circumstances the use of a private motor vehicle is the only practical means for residents to access the services they require.
17. I am mindful that the properties already attract vehicle movements associated with guests and staff. That said, the properties would be remote from day-to-day services and facilities, being unsustainable in transport terms and contrary to aims to provide new dwellings at locations where alternative transportation options are available thereby reducing an over reliance on private car.
18. The Framework recognises, at paragraph 109, that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, the distance of the site from nearby services and facilities, and the rural nature of the surrounding roads, precludes any realistic opportunity of encouraging a shift away from private car use. Therefore, the Framework does not necessarily support new housing in locations such as the appeal site where there would be such a heavy reliance on the use of a private car. This combination of factors demonstrates that the appeal site is not in a location where new dwellings would be considered acceptable.
19. I conclude that the proposed development would not be an appropriate location for permanent dwellings contrary to CS Policies CP1 and CP2 which, amongst other things, seek to direct new development to the most sustainable locations.

Other Matters

20. I acknowledge that the properties are unlikely to be suitable for conversion to employment or community uses given their residential nature, but this would not outweigh the harm that I have identified and does not lead me to draw a different conclusion on the matter.
21. No concerns in respect of living conditions of future occupiers and highway safety have been raised. I also note that the proposal would have a limited impact upon the local landscape and would not unduly affect the setting of nearby heritage assets. However, these are largely matters of neutral consequence in the overall planning balance.

Planning Balance

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
23. Based on the information before me it is evident that the Council cannot demonstrate a deliverable five-year supply of housing land as required by Paragraph 77 of the Framework. Consequently, Paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits.

24. The Housing Land Supply Statement sets out that the Council's housing land supply position is 4.6 years. Therefore, it is evident that there is a need for housing when considering this shortfall. However, the provision of two dwellings would make only a small contribution towards the areas housing supply.
25. The aim to focus development in rural areas to villages and other settlements is set out in the development plan. This approach is consistent with paragraph 11 a) of the Framework which seeks to promote a sustainable pattern of development and paragraph 83 which states that sustainable development in rural areas will comprise housing where it is located to enhance or maintain the vitality of rural communities. Whilst Cricklade is an identified Local Service Centre it is not easily accessible by means other than private vehicle and the provision of two dwellings would have a very limited impact in terms of supporting local services.
26. Even taking into account the objective to significantly boost the supply of housing and the potential for small sites to deliver housing quickly, and the Council's housing land supply position, the conflict between the proposal and the most important policies of the development plan should be given very significant weight in this appeal. Therefore, the adverse effects of the proposal would significantly and demonstrably outweigh its benefits.
27. Consequently, the presumption in favour of sustainable development does not apply and I have no reason to take a decision other than in accordance with the development plan.

Conclusion

28. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR