



Appeal Decision

Site visit made on 14 May 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/P3040/W/23/3331462

Staythorpe House, Loughbon, Orston, Nottinghamshire, NG13 9NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs S Molyneux against the decision of Rushcliffe Borough Council.
 - The application Ref is 23/01446/FUL.
 - The development proposed is the change of use of outbuilding from office to residential accommodation for holiday lettings.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of outbuilding from office to residential accommodation for holiday lettings at Staythorpe House, Loughbon, Orston, Nottinghamshire, NG13 9NJ in accordance with the terms of the application, Ref 23/01446/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed and Existing Plans drawing number: 22/0XX – P01 received by the Borough Council on 26 July 2023.
 - 3) The development hereby permitted must be used for holiday accommodation only and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Statutory Instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt *'any other residential use'* includes a person's or persons' sole or main residence, or a permanent residential unit of accommodation. In addition, an up to date register of all persons occupying the holiday accommodation must be kept at the site and must be made available for inspection by the Local Planning Authority upon request. The register must include details of the names of all occupiers of the holiday accommodation, the address of their main residence and the dates of their arrival and departure from the holiday accommodation which shall not exceed 28 days per calendar year.

Preliminary Matter

2. The revised National Planning Policy Framework ('the Framework') was published on 20 December 2023 after the appeal had been made. However, as the changes that were made are not material to the main issue in this decision, the case of the appellants has not been prejudiced by not being able to comment in their appeal statement on the revised Framework. I have therefore

determined the appeal on the basis of the statements and comments that have been received.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of neighbours with regard to noise, disturbance and the availability of on road parking.

Reasons

4. Policy 13 of the Local Plan Part 1: Rushcliffe Core Strategy ('Core Strategy') and policy 31 of the Local Plan Part 2: Land and Planning Policies ('Local Plan Part 2') support tourism, with the latter policy also supporting the provision of new tourist accommodation. The principle therefore of a new holiday letting accords with the development plan, subject to site specific considerations.
5. The appeal building is a single storey outbuilding located at the end of the drive serving Staythorpe House. The building contains three separate rooms for this purpose in addition to welfare facilities. Although not in use by the current occupiers, in planning terms, the legal use of the building is as offices. Should the appeal fail, in order to make good use of the building, there is no reason why the current or future occupiers of Staythorpe House could not decide to use the outbuilding once more for this purpose.
6. Although use of the building as offices is restricted by condition to use in conjunction with the occupation of Staythorpe, this does not prevent others who would work in the offices from living elsewhere and commuting in. Therefore between the hours that use of the building as offices is allowed to be used (9am Monday to Friday and 9am to 1pm on Saturdays) there could be the comings and goings of employees and visitors. Early mornings, evenings, Sundays and bank holidays would therefore be free from any disturbance associated with the use of the building for offices.
7. Whilst the proposed holiday accommodation use would involve those on holiday coming and going as they please with no time restrictions, it is unlikely that it would involve a number of movements that would be out of keeping with a residential area. Moreover, as a small one bedroom holiday let, with the only possibility of an additional sleeping area being a sofa bed in the living room, it is only capable of accommodating a small family or a few people. The level of activity of such a number of people is unlikely to cause noise and disturbance.
8. Part of the outside wall of the outbuilding abuts the garage at the neighbouring house, The Brook. However, as the garage is used as a gym and for storage ancillary to the house, and so are not main habitable rooms, any noise transmission from the outbuilding audible within the garage would not harm living conditions.
9. Access to the outbuilding is along a private drive that only serves Staythorpe House. As the outbuilding is located to the rear, people using the proposed holiday accommodation would pass between Staythorpe House and the neighbouring property, The Brook. The side boundary wall separating the drive of the two houses would screen activity below car height from view. Activity above the height of the boundary wall would be visible through openable ground floor windows serving main habitable rooms within the extended flank elevation of The Brook. However, as these windows are narrow, secondary windows this would not have a materially detrimental effect on the living conditions within this house.

10. The small patio area provided to the proposed holiday let is located to the rear of the outbuilding and is enclosed on two sides by it, as well as by the garage at The Brook. As a result, noise associated with the use of the patio would be directed away from the neighbouring house and reduced.
11. It is proposed that one of the three on-site parking spaces would be provided for the proposed holiday let. As the three on-site parking spaces are arranged in a line, one behind the other on the drive and outbuilding forecourt, their use would be dependent on a significant amount of communication and cooperation between the residents of Staythorpe House and the proposed holiday let. In practice, therefore it is likely that the occupiers of the house or proposed holiday let would therefore choose to park on the road.
12. There was very light on-street parking when I carried out the site visit. In the evenings and weekends, when people are less likely to be at work and may have visitors, parking will be heavier. However, many of the houses along this road have off-street parking, and I have not been provided with substantive evidence that on-street parking pressures are such that parking displaced off the appeal site onto the road would cause difficulties for local residents to park. Moreover, given that Loughbon in the vicinity of Staythorpe House is a straight road wide enough to accommodate a lane of traffic in each direction, on road parking would not materially harm highway safety.
13. Taking all these matters into account, I therefore conclude that the proposed change of use would not materially harm the living conditions of neighbours. As a result, the proposal would comply with policy 10 of the Core Strategy and policy 1 of the Local Plan Part 2 which seek to ensure that following new development the levels of amenity enjoyed by neighbours remains acceptable.

Other Matters

14. The appeal site is located in Orston Conservation Area (CA). Covering virtually the whole of the village the CA is characterised by well-designed older buildings. As a result, its significance is historical and architectural. Use of a small building for modest holiday accommodation would be in keeping with the residential character of the CA. As there would be no external alterations to the building to facilitate the change of use the proposed development would not affect the appearance of the CA. As a consequence, the statutory test of preservation in relation to CAs would be passed.

Conditions

15. In the interests of certainty, the relevant plans that the development is to be carried out in accordance with need to be specified. In order to ensure control of the use and prevent the establishment of permanent residential accommodation, use must be restricted to holiday use and the duration of occupation by a named occupier limited to 28 days per year. I have required all these matters by condition.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Ian Radcliffe

Inspector