



Appeal Decision

Site visit made on 2 September 2024

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal Ref: APP/D2510/W/24/3340597

Sunnyside, Grange Lane, Covenham St. Bartholomew, LOUTH, LN11 0PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Jeavons against the decision of East Lindsey District Council.
- The application reference is N/037/01614/23.
- The application sought planning permission for the change of use and conversion of an existing outbuilding into a holiday cottage (works already completed) and change of use, conversion of, extension and alterations to part of existing garage into a holiday cottage without complying with a condition attached to planning permission reference N/037/01012/19, dated 1 August 2019.
- The condition in dispute is No 2 which states that:
"The holiday accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request."
- The reason given for the condition is:
"To ensure the development is restricted to holiday use only and the accommodation is not used for permanent residential accommodation. This condition is imposed in accordance with SP1-4 and SP15 of the East Lindsey Local Plan."

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal relates to a former domestic garage and outbuilding; planning permission was granted in 2019 for its conversion to and use as a holiday cottage (LPA Ref: N/037/01012/19 – "the original permission"). The site is an area of land within the larger plot associated with the dwelling "Sunnyside". The appeal building is towards the rear of the site, alongside another building (known as "The Pigsty") which is used as a holiday cottage¹.
3. A condition was imposed on the original permission restricting the appeal building to use as holiday accommodation only. The appellants are now seeking the removal of that condition, which would allow the building to be used as a permanent dwelling. The main issue is therefore whether the condition is reasonable and necessary, having regard to planning policies in respect of the location and accessibility of new residential development.

¹ Both Sunnyside and The Pigsty are outside the "red line" boundary of the appeal scheme, but shown within the wider "blue line" ownership boundary.

Reasons

4. Sunnyside, including the appeal building and The Pigsty, lies on the north side of Grange Lane among a small cluster of buildings outside the village of Covenham St. Bartholomew. Covenham St. Bartholomew is a largely linear settlement which, with the attached Covenham St. Mary is known as The Covenhams (or sometimes simply Covenham). Sunnyside itself is a large detached house in a substantial plot; the appeal building is a part one- part two-storey timber-clad building.
5. Although the original permission has been commenced and the approved conversion works largely carried out, they are not complete; the appeal building has not yet been used as holiday accommodation. In the light of lettings for The Pigsty being lower than anticipated over recent years the appellants now wish to live in the appeal building themselves, allowing Sunnyside to be sold off separately as a family dwelling. While the appeal proposal would not result in the use class of the appeal building being changed, it would effectively lead to there being a new, unrestricted market dwelling on the site. It is therefore appropriate in my view to consider it in the light of the planning policies which address the provision of new housing.
6. Policies SP1, SP3 and SP4 of the 2018 East Lindsey Local Plan ("the ELLP") together provide the spatial and locational strategy for housing development in the district. Policy SP1 sets out the settlement hierarchy – it uses the term "settlement pattern" – with The Covenhams defined as a medium village. Policy SP3 sets out locations for housing growth, directing it towards the towns and large villages in the district. Policy SP4 sets out the approach to housing in medium and small villages; it is supportive of housing in "appropriate locations" – by which it simply means there would be no conflict with local or national policy taken as a whole – within the developed footprint of the settlement, though the appeal site is some 300m or so from, and therefore comfortably outside, the settlement boundary of the village. Policy SP4 allows for the conversion or redevelopment of some sites for housing, though again this refers to sites within – rather than outside – village boundaries.
7. Policy SP8 allows for the provision of affordable housing as "rural exceptions" on sites within and adjoining the medium and small villages, but there is no suggestion that the appeal scheme falls within any of the circumstances provided for by that policy. The appeal site is not therefore a location in which new housing development is supported by the local plan.
8. The appellants argue that there is essentially no difference in whether a location is sustainable for holiday accommodation or for a permanent dwelling, and that (among other considerations) traffic movements would not be significantly greater – and possibly less – than for a permanent dwelling. However, in my experience there are differences between the two in terms of the need for access to local services which is also an important consideration, so the effect on traffic generation is not the only relevant determining factor. The different requirements are recognised by Policy SP15 of the ELLP which allows for the development of facilities to support tourism in the district, including the provision of accommodation in locations where permanent housing development would not normally be permitted.
9. People on holiday will often use their accommodation as a base from which they travel out for various activities, such as going to beaches and other local

attractions, dining at restaurants and so on. In a countryside location such as the appeal site, they would be likely to arrive by car, and to rely on the car to travel to activities. However, this would very often be in the context of their making planned trips around the area, which for the most part would not be dependent on the availability of day-to-day services in the immediate vicinity. The supporting text to Policy SP15 recognises that villages and hamlets across the district are well-placed to provide visitor accommodation as a base to explore the wider area. It also notes that where such accommodation is permitted a condition preventing the use of the property as a permanent residence would be imposed, as was the case with the original permission.

10. Permanent residents, on the other hand, would be likely to be much more reliant on regular connections to employment sites, and to social facilities such as schools and health services, which most holidaymakers would not need to use. The Covenhams have very little in the way of such services. There is a bus stop within the village around 500m from the appeal site from where an "on demand" service provides a connection to the town of Louth, where more services are available. Beyond this link, occupiers of the appeal property would be likely to be totally dependent on private motor transport. In broad terms therefore, the appeal site has relatively poor access by a range of means of transport to the everyday services likely to be needed by permanent residents.
11. The National Planning Policy Framework ("the Framework") recognises that rural housing can support local services, and that where there are groups of smaller settlements, development in one village may support services in a village nearby. Given the absence of services within The Covenhams, however, as well as the appellants' suggestion that holiday visitors would be more frequent users of restaurants and the like than permanent residents, there is nothing before me to substantively demonstrate that the creation of a permanent dwelling would have any significant benefits in terms of supporting services in the area.
12. The appellants have suggested that running the appeal property as a holiday let is not viable, in the light of both the fall in visitor numbers across the UK generally after 2019 as a result of the Covid pandemic², and lower numbers renting the Pigsty for holidays than they anticipated. However, the appeal property does not yet appear to have been used as holiday accommodation (internal works were not complete at the time of my visit), and no substantive evidence (such as financial, business modelling or marketing information) has been provided which might support the assertion that it is not viable as a holiday let.
13. The appellants have drawn my attention to two appeal decisions which they consider relevant. In the first, relating to a site in East Devon (PINS Ref: APP/U1105/W/22/3298314), the Inspector granted permission for the change of use of a holiday let to a permanent dwelling. It appears from my reading of that decision that there are considerable differences between the relevant development plan policies; those referred to in the East Devon decision relate specifically to the travel and environmental impacts of development, while here (as I have summarised above) there are also relevant policies which, for economic and social reasons, differentiate between holiday accommodation and permanent dwellings. While there is some similarity between the appeals,

² The figures for the South East of England were particularly emphasised; the appeal site is within the East Midlands region.

the policy differences mean that the East Devon appeal provides only limited support for this scheme.

14. The second appeal (PINS Ref: APP/D2510/X/20/3251963) related to whether a certificate of lawful use or development ("an LDC") should be granted for a dwellinghouse elsewhere within East Lindsey. However, as that Inspector pointed out, an LDC appeal considers only a narrow range of issues which do not include the planning merits of the case; the planning issues raised in this appeal are somewhat broader. The Inspector in the other East Lindsey appeal noted that "the character of use by those on holiday" – notably vehicle movements – "would not be significantly different to the use by the appellant [as a permanent dwelling]", and found that a material change of use had not occurred. However, while the proposed use of the appeal property as a permanent dwelling would not result in a change of use class, it does not necessarily follow from this that any or every use within the same class would be appropriate, or that conditions cannot or should not be used to restrict a development even within a single use class. Again, that appeal decision provides limited support for the current appeal scheme.
15. I am mindful of the benefits of the proposal. It would contribute towards boosting the supply of housing in the district, although the provision of a single additional dwelling would represent only a limited benefit in this regard. This carries moderate weight in favour of the proposal.
16. Permanent occupiers of the dwelling would support services in the district, though there is nothing before me to indicate whether this would be likely to have a greater or lesser economic impact than a succession of holiday visitors occupying the property. The suggestion that the appeal property itself could not be operated viably as a holiday let has not been substantiated. I therefore consider these factors to be, essentially, neutral in weight.
17. The variation of the condition would have the effect of permitting a permanent dwelling in the countryside, in a location with relatively poor access to everyday shops and services. It would be contrary to Policies SP1, SP3 and SP4 of the ELLP, which together seek to ensure that residential development is delivered in sustainable locations, primarily the district's towns and larger villages. The proposal would not meet a need for affordable housing, as provided for by Policy SP8 of the ELLP. On the other hand, the provision of tourism facilities, including holiday accommodation with conditions preventing its use as a permanent residence, is supported by Policy SP15 of the ELLP.
18. I therefore conclude that the disputed condition is reasonable and necessary to ensure compliance with the development plan in respect of the provision, location and accessibility of new residential development.

Conclusion

19. For the reasons given above the appeal is dismissed.

M Cryan

Inspector