



## Appeal Decision

Site visit made on 14 January 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>nd</sup> January 2025

### Appeal Ref: APP/N4720/W/24/3353631

### Clarion Lodge, West Chevin Road, Otley LS29 6BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by St Helena's Caravan Park Ltd against the decision of Leeds City Council.
- The application Ref 24/02052/FU, dated 9 April 2024, was refused by notice dated 13 June 2024.
- The application sought planning permission for change of use of youth hostel club house with ancillary cottage to a 5 bedroom house including link extension without complying with a condition attached to planning permission Ref 10/02888/FU, dated 12 August 2010.
- The condition in dispute is No 3 which states that: *The dwelling house shall only be occupied by persons running the campsite.*
- The reason given for the condition is: *In the interests of amenity.*

### Decision

1. The appeal is allowed and the planning permission Ref 10/02888/FU for change of use of youth hostel club house with ancillary cottage to a 5 bedroom house including link extension at Clarion Lodge, West Chevin Road, Otley LS29 6BG granted on 12 August 2010 by Leeds City Council, is varied by deleting condition 3 and substituting it with the following condition:
  - 3) The dwelling house shall only be occupied by persons running the campsite or as a holiday let associated with the campsite use.

### Procedural Matter

2. The application subject to this appeal was submitted retrospectively. Therefore, the appeal relates to a proposal where the terms of the disputed condition have been breached by development already carried out before the application was made. This is more appropriately addressed under S73A of the Act.

### Background

3. In 2010 planning permission was granted for a change of use of Clarion Lodge from a youth hostel club house with ancillary cottage to a 5-bedroom dwelling. Condition 3 restricted the occupancy of the dwelling to persons running the campsite. This was subsequently implemented. The appellant is now seeking to replace condition 3 with one that would also allow the building to be used as a holiday let when the owner is not in occupation.

### Main Issue

4. The main issue is the effect of varying condition 3 on the living conditions of neighbouring residents with particular regard to noise and disturbance.

## Reasons

5. Clarion Lodge is a large detached building situated at the southern edge of an established camping site which includes pitches for 10 touring caravans and 6 tents, as well as 3 glamping pods. Bordering the site to the south are dwellings on Viewlands Mount. The dual use as a dwelling and holiday let for up to 13 guests, which is now the subject of this appeal, is said to have commenced in 2022 after a change in ownership. The appellant indicates that the holiday let is mainly booked for multi-generational family get-togethers.
6. Some neighbouring residents claim that they have experienced noise and disturbance from the holiday let. This includes noise from socialising in the garden, disturbance from comings and goings, as well as parking obstruction in the surrounding streets, although very little information is given on the frequency and duration of such incidents. The Council has not provided specific evidence of its own in this regard.
7. Nonetheless, I do acknowledge that the pattern and nature of occupation for the holiday let would be more transient than for a family dwelling and that some occupiers of the holiday let may generate more noise and disturbance compared to permanent residents. However, this will not necessarily be the case for all and it cannot be presumed that guests would behave in an antisocial manner. It is not uncommon for holiday accommodation to be adjacent to permanent residential dwellings. The rural location is unlikely to attract large single sex party groups such as hen and stag parties or result in guests returning at unsocial hours.
8. Furthermore, the potential for noise and disturbance exists from both occupiers of holiday lets and from family housing. Given the size of the property, it could in any event accommodate a reasonably large family of adults, young children, and teenagers. Such a family could generate considerable activity in the form of comings and goings for work, school, leisure, and shopping at various times of the day. There would be nothing to ordinarily prevent permanent occupants from having parties, playing music, and carrying out recreational activities in the garden.
9. Moreover, the property is located within a campsite which has the potential to generate significant levels of activity and noise, particularly during the summer months. Socialising in the garden of the holiday let would most likely coincide with times when there is already a buzz of outdoor activity and background noise at the campsite. The previous use as a youth hostel club house would also likely have generated a level of noise and activity in and around the building.
10. The property is accessed from the opposite side to neighbouring residents, facing the campsite. Dedicated parking is available for at least 5 vehicles, which the Council accepts is sufficient to meet the parking needs of the holiday let. In addition, the vehicle movements associated with the holiday let would be insignificant in comparison to those generated by the campsite. The barrier entry system to the campsite may result in some vehicles waiting or parking up on nearby streets if arriving simultaneously, but this is likely to be an occasional and temporary effect and is just as likely to occur in association with the campsite use.
11. The appellant has highlighted a range of measures which have been put in place to manage the holiday let, including house rules asking guests to reduce noise levels between the hours of 9pm and 8am, and no outside music. A CCTV system has recently been installed which allows remote monitoring of garden activity and there

is a 24-hour contact number displayed prominently at the site entrance, with staff available to attend quickly if needed. Staff are also available to assist on changeover days between guests leaving and arriving.

12. I have considered whether such measures should be included as part of a management plan for the further written approval of the Council. However, in light of all the above I consider this would not be necessary or reasonable to make the development acceptable in planning terms and may prove to be difficult to monitor and enforce in all respects. The holiday let is already being operated in this manner and I see no reason why this would not continue. Other powers exist outside of the planning regime to deal with unreasonable noise and anti-social behaviour should this occur.
13. Therefore, based on the evidence before me, I am not persuaded that continued use of the holiday let would introduce or exacerbate noise and disturbance at the property to such an extent that it adversely affects the living conditions of neighbouring residents. In this regard, the development complies with saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) which states that proposals should seek to avoid problems of environmental intrusion, loss of amenity, and highway congestion, amongst other things.

#### **Other Matters**

14. The site is identified as being within the Green Belt. However, the effect on the Green Belt was not cited in the Council's refusal reasons and I am satisfied that the proposal is not inappropriate development in the Green Belt.
15. There is no substantive evidence that the proposal would adversely affect trees and nature conservation interests at the site. The retrospective nature of the application and any potential effect on property values are not considerations which influence my assessment of the planning merits of the case.
16. The decision would not set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site.

#### **Conditions**

17. I have concluded that the use of the property as a holiday let would not be harmful to the living conditions of neighbouring residents. I will therefore replace the disputed condition with one that allows its use as such in association with the campsite. For reasons already stated, a condition requiring submission of a management plan for the holiday let would not meet the relevant tests set out in paragraph 57 of the National Planning Policy Framework, so it is not imposed.
18. I have not amended any of the other conditions previously imposed, which are unaffected by this decision.

#### **Conclusion**

19. For the reasons given, I conclude that the planning permission should be varied as set out in the formal decision.

*A Caines*

INSPECTOR