



Appeal Decision

Site visit made on 14 March 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 APRIL 2025

Appeal Ref: APP/K3605/W/24/3353082

522B Hurst Road, West Molesey, Surrey KT8 1RF

- 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 Eyad Hamouieh against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/0540.
 - The development is the change of use from C3 (residential) to full time holiday let for short term accommodation (C1).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The main parties do not dispute that a material change of use has occurred through use of the appeal property for short term let accommodation. The appeal development is retrospective in nature and therefore I have removed “proposed” from the description of development in the banner heading above. This is the basis on which I have assessed the appeal.
3. The revised National Planning Policy Framework (“the Framework”) was published in December 2024 after the appeal was submitted and therefore both main parties have been given the opportunity to comment on the relevance of the revised document.

Main Issue

4. The main issue is the effect of the development on the provision of housing in the Council’s area, and if there is any harm whether there are benefits that would outweigh the harm.

Reasons

5. Policy CS2 of the Elmbridge Core Strategy July 2011 (“the ECS”) seeks to resist a net loss of housing. Policy DM10b of the Elmbridge Local Plan Development Management Plan, April 2015 (“the ELP”) states that in accordance with ECS Policy CS2, development that results in a net loss of housing units will be resisted unless it can be demonstrated that it would result in benefits outweighing the harm. ELP Policy DM10 states that consideration will be given to, amongst others, the type and quality of accommodation that will be lost and the contribution it makes to the range of housing in the Borough. The Policy’s supporting text explains that resisting the loss of residential units is a key factor in maintaining the Borough’s housing supply.

6. The Council's evidence indicates an acute need for housing and a significant shortfall in the supply of housing when set against the need. The Borough has the highest affordability ratio in England and the first outside of London. The Council's Local Housing Needs Assessment 2020 identifies that the greatest need for housing is for affordable units and smaller units, and that a shortage of such homes could harm community cohesion. The Council uses the number of bedrooms as a proxy to define the size of a home and this definition does not include ancillary accommodation within outbuildings, which would not be a conventional arrangement. In the absence of any alternative definition, this is the basis on which I have assessed the appeal.
7. The appeal property as a dwellinghouse would not qualify as Affordable housing under the Framework's definition. The appeal property has the appearance of a conventional two storey dwellinghouse of a relatively modest size with 3 bedrooms on the first floor. It is set within a good-sized garden that includes an outdoor swimming pool and furnished garden buildings containing ancillary living accommodation. It is located within a row of dwellinghouses of broadly similar sizes within a large residential area.
8. Use of the appeal property as a dwellinghouse (C3 use) would have made a positive contribution to the stock of housing in the Borough as part of the overall supply of homes. The appeal development has resulted in the loss of the dwellinghouse from the Borough's housing stock, including a 3 bedroom unit of a size in greatest need, to the detriment of housing supply and exacerbating the shortage of homes.
9. In the context of the Council's evidence of housing need and supply, I am not satisfied that the number of residential properties advertised for rent in the area, or an increase in smaller households over recent decades, demonstrates an oversupply of homes or a lack of demand for homes in the area, including of a comparable size to the appeal property. Furthermore, there is no substantive evidence before me to demonstrate that the appeal property had been unoccupied as a dwellinghouse for a long period of time prior to the appeal use commencing. In any case, under occupation is unlikely to persist indefinitely as occupancy levels would be expected to fluctuate.
10. The appeal property appeared to be maintained to a high standard and fully furnished with quality fixtures and fittings, including an outdoor swimming pool. However, the evidence before me does not demonstrate that its specification is abnormally high or unique in this area, or that its value, which is stated to exceed the average house price in the Borough, places it out of the financial reach of buyers or renters seeking a dwellinghouse of this type and size. There is little evidence before me to show how its value would compare to similar sized properties in the area or any evidence that it was marketed for sale or rent as a dwellinghouse. On the evidence before me it has not been demonstrated that the use of the appeal property for short term lets for visitor accommodation is the only option available to the appellant to make effective use of the property and avoid it falling vacant.
11. Use of the appeal property for short term visitor stays brings economic benefits to the area, particularly as visitors spend money in the locality during their stays. Managing bookings and maintaining the appeal property would sustain jobs in supporting companies, such as property management, cleaning and maintenance,

and those businesses and employees would pay taxes, as would the owner of the property from income generated. The appellant has provided financial details of these aspects of the appeal development, which are not disputed. However, in the absence of the methodology used to calculate the number of jobs created by the appeal development, I cannot be satisfied that the scale and nature of the appeal use has created 1 full-time and 2 part-time jobs.

12. The economic benefits of the appeal use would, in my view, be broadly comparable to those generated by occupation of the property as a dwellinghouse. Occupiers of a dwellinghouse would be expected to pay taxes and spend money in local services, facilities and businesses, contributing to the economy and sustaining jobs. Money would also be spent on the ongoing maintenance and repair of a dwellinghouse.
13. The appellant refers to the appeal development as providing accommodation whilst tourists visit attractions including Hampton Court, Twickenham Stadium or Thorpe Park. However, there is limited evidence before me of a shortfall in visitor accommodation in the area or those attractions being located close to the appeal site. The appeal site is not previously developed land under the Framework's definition. The Council advises that the appeal site is not within or adjacent to town and district centres, or visitor attractions, as required by ECS Policy CS24, and I find no substantive evidence to the contrary. Therefore, the policy's support for hotels and tourism uses is of little weight in favour of the appeal development.
14. The appellant suggests that the appeal development could test the need for short term visitor accommodation. However, this could be tested by other means such as marketing. In any case there is limited evidence before me of a shortfall in visitor accommodation in the area. There is no mechanism before me to ensure that the dwellinghouse use of the appeal property could resume in the future if the appeal was allowed. Moreover, the loss of the dwellinghouse is detrimental to housing supply and exacerbates the shortage of homes. Therefore, allowing the appeal on a temporary basis would cause that situation to unacceptably persist.
15. I conclude that the appeal development has caused the loss of a dwellinghouse resulting in a negative effect on housing supply in the Borough that exacerbates the shortage of homes, including the availability of a home of a size most in need. This is an important matter of significant weight against the appeal. The benefits of the appeal development are not sufficient to outweigh the harm and therefore it is contrary to ECS Policy CS2 and ELP Policy DM10, the requirements of which are set out above.
16. There is also conflict with the provisions of Framework Paragraph 61, which, in relation to the supply of housing, advises that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Other Matters

17. The planning permissions drawn to my attention by the appellant appear to relate to the change of use of public houses/drinking establishments as opposed to dwellinghouses. As such, those examples do not provide any useful comparisons to the appeal development before me, and they are of limited relevance to my considerations in this appeal. In any case, I am not bound by previous decisions of the Council.

18. The appeal development has not involved operational development or altered the density of the built development at the appeal site. Set against the above considerations, the Framework's encouragement for the efficient use of land and mixed uses is of limited relevance and weight to my considerations.
19. The appeal development is not causing harm to the street scene, and it is common ground between the main parties that it does not harm highway safety. The Council is satisfied that the use could be controlled by a condition to avoid harm to the living conditions of nearby occupiers. Consequently, the appeal development would not conflict with ECS Policies CS7 and CS17, and ELP Policy DM2. However, an absence of harm in these respects does not weigh in favour or against the development and it does not alter my conclusion on the main issue.

Conclusion

20. The appeal development has resulted in the loss of a housing unit to the detriment of housing supply in the Borough, and this is not outweighed by its benefits. This results in conflict with ECS Policy CS2 and ELP Policy DM10, and the development plan as a whole. The Framework is clear that as much of an area's identified housing need as possible should be met, including with an appropriate mix of housing types for the local community. I give significant weight to the appeal development's conflict with the development plan. There are no other material considerations, including the provisions of the Framework and the benefits of the appeal development, to indicate that a decision should be taken other than in accordance with that plan. The appeal should be dismissed.

G Sylvester

INSPECTOR