

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	01.08.2012		
Application Number	W/12/00596/S73		
Site Address	Upper Poles Hole Southwick Southwick Trowbridge Wiltshire		
Proposal	Section 73 application: Removal of condition 2 (holiday use) of planning permission W/04/01008/FUL dated 16/07/04		
Applicant	Mr A Doel		
Town/Parish Council	Southwick		
Electoral Division	Southwick	Unitary Member:	Francis Morland
Grid Ref	383960 154595		
Type of application	Variation of Condition		
Case Officer	Mr David Cox	01225 770344 Ext 01380 734826 david.cox@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Morland has requested that this item be determined by Committee due to:

- * Environmental and Highway Impact

Councillor Morland adds "Is the Case officer right to apply the same tests to the re-use of redundant agricultural buildings in the countryside under saved policy H21 of the West Wiltshire District Plan First Alteration?"

Should the local planning authority's approach to the application now be different as a result of the new National Planning Policy Framework?

As the building in question already lawfully exists in the countryside, what actual harm would result from the proposed change of condition?"

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

2. Report Summary

The main issues to consider are:

- * Planning history of the site.
- * Principle of Development.
- * Justification to remove condition 2 of W/04/01008/FUL.
- * Whether the site is in an Unsustainable location.

3. Site Description

The application site is located in open countryside approximately 500 metres outside of the village policy limits of Southwick . The buildings in question are two single-bedroom holiday units which were created by converting a cow barn/stable. The building has windows on the south west elevation and outdoor space and parking to the front. The access is shared between the two holiday lets and one dwelling.

4. Relevant Planning History

04/01008/FUL - Change of use from agricultural building to two holiday lets – Permission - 16.07.2004.

08/02856/FUL - Change of condition 02 of planning permission 04/01008/FUL – Refused - 19.11.2008 for the following reasons:

1. Criteria A of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 requires that every reasonable attempt should be made to secure business, tourism or sport and recreational use. The proposal is contrary to criteria A of Policy H21 as the applicant has not demonstrated that every attempt has been made to secure an alternative use for the building, and it is not supported by any justification to show that the tourist accommodation has been actively marketed as holiday accommodation without success.

2. The proposal, without adequate justification, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to the key aims of Planning Policy Guidance Note 13 which seeks to reduce growth in the length and number of motorised journeys.

5. Proposal

This application seeks to remove condition 2 (holiday use) of planning permission W/04/01008/FUL.

‘The dwelling shall only be used as holiday accommodation and not as permanent residential accommodation, and it shall not be occupied during the month of November.

REASON: The site is in an area where residential development would not normally be permitted.

POLICY: West Wiltshire District Plan - 1st Alteration - Policies TO1 and TO3.’

The proposal includes no physical alterations to the building or the site.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 – Policies H19, Development in Open Countryside, H21 – Conversion of Rural Buildings; C31a – Design; C38 – Nuisance.

National Planning Policy Framework. - Supports rural tourism (paragraph 28). Isolated new homes in the countryside should be avoided, unless there are special circumstances (paragraph 55).

7. Consultations

Southwick Parish Council

Support – “Despite continuous advertising in holiday journals, the hoped use and income has not materialised. With the shortage of accommodation in the village this would seem to be an ideal opportunity for two people to get on the housing ladder and help repay the applicant with some of the costs he has incurred.”

Highways

Objection: “The proposal, located remote from services, employment opportunities and being unlikely to be well served by public transport, is contrary to local and national sustainable transport policy guidance.”

8. Publicity

The application was advertised by site notice and neighbour notification. Expiry date: 11 May 2012. No comments received.

9. Planning Considerations

9.1 Principle of Development:

The West Wiltshire District Plan 1st Alteration 2004 does not have a specific policy that covers for the loss of a holiday let.

The main policy that applies is H21(A) Conversions of Rural Buildings. This states that the conversion of rural buildings in the countryside to residential use will only be permitted where the applicant has made every reasonable attempt to secure business, tourism or sport and recreation re-use, and the application is supported by a statement of the effort which has been made.

In this instance, the conversion of the former farm building to two small units of self-catering accommodation effectively makes it unrealistic to consider alternative uses to residential. The issue is whether the properties should be retained for self-catering tourist accommodation (and the application consequently refused) or whether a wider residential use can be accepted, and the condition removed.

The applicant bases his case on the lack of demand for tourist use of this accommodation. The application was submitted with the following information:

- Three letters from an Accountancy Firm stating that no income was received from holiday lettings in 2009, 2010 and 2011.
- An undated example of the office marketing from QHH Surveyors.

Further information submitted by the applicants has stated:

- QHH also marketed the holiday units.
- A website was run from June 2009 to September 2010 using www.upperpoleshole.co.uk domain.
- No enquiries were made during this time for the holiday lets.
- An invoice from QHH for the marketing of the holiday lets.
- Rents of holiday lets vary, but this was broadly comparable to other holiday units.
- The buildings are 'not suitable for any sport or leisure use'.
- It would be unsustainable to leave the building unoccupied.
- A letter from Henry King of Kavanghs Property Surveyors which concludes that there is no significant demand for small offices. Rentals are continuing to fall.

It is accepted that advertising of the holiday lets commenced in late 2008. The accountant's letters only prove that no money was received, and the invoice only shows that some work was carried out; but neither proves that the holiday lets were satisfactorily advertised and at a realistic rate.

No examples of the adverts in journals or newspapers etc for the holiday lets have been submitted as part of the application. Additionally the proposed rates for the holiday let have not formally been disclosed to allow for a comparison with competing units.

The Council's Enforcement File 08/00042/ENF (which concluded that a breach of condition 2 would come to an end in Oct 2008) has a copy of a Davies and Davies advert with a rent of £350 per week.

A search on www.holidaylettings.co.uk for 1 bedroom holiday lets in Wiltshire found that there are comparable rates where some started as low as £220 per week. There is no evidence or statement that claims a reduced rent was considered or implemented to encourage potential bookings.

Additionally no Visit England accreditation appears to have been obtained, or any wider marketing, which would have been an effective way to advertise the holiday let.

In short, it is considered that the evidence that the efforts to market the property for self-catering tourist uses have been robust is not very persuasive.

Against this must be balanced the fact that the application is supported the parish council, as it may provide an opportunity for people to get on the housing ladder. Although not within the Village Limits

of Development, the separation distance of 500 metres is not vast, and it is not considered that an objection on transport sustainability grounds could reasonably be sustained here. Furthermore, the single bedroom size of the dwellings means that there will be little risk of extra problems in relation to children accessing schools etc along unsuitable roads with no pavements.

The issues here are finely balanced. However, as permission was only granted in the first place for the conversion for tourist lets as the site is in the countryside where permanent accommodation would not normally be permitted, and as the evidence that this approved use has been actively promoted and pursued is lacking, it is considered that refusal is justified at this time.

Recommendation: Refusal

For the following reason(s):

- 1 Criteria A of Policy H21 of the West Wiltshire District Plan 1st Alteration 2004 requires that the conversion of rural buildings in the countryside to residential use will be permitted only where every reasonable attempt has been made to secure business, tourism or sport and recreational use. The proposal is contrary to criteria A of Policy H21 as the application is not supported by sufficient justification to show that the tourist accommodation has been actively marketed as holiday accommodation without success.

Appendices:	
Background Documents Used in the Preparation of this Report:	