
Appeal Decision

Site visit made on 27 June 2015

by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 August 2015

Appeal Ref: APP/Y3940/W/15/3003155

The Carhouse, 6 New Buildings, Chute Cadley, SP11 9ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 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 S Falla against the decision of Wiltshire Council.
 - The application Ref 14/07878/VAR, dated 15 August 2014, was refused by notice dated 15 October 2014.
 - The application sought planning permission for conversion of carhouse to holiday accommodation without complying with a condition attached to planning permission Ref K/59494/F, dated 19 February 2009 as varied by planning permission granted under Ref E/10/0865/S73 dated 18 August 2010.
 - The condition in dispute is No 3 as varied which states that: Notwithstanding Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as primary place of residence. An up-to-date register of names and main home addresses of all occupiers shall be maintained by the owner and made available at all reasonable times to the Local Planning Authority.
 - The reason given for the condition is: In order to ensure that the accommodation is not occupied on a long term basis because the site is in an area where the Local Planning Authority would not normally permit new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the planning application was determined by the Council, the Wiltshire Core Strategy¹ (WCS) has been adopted. Policies HC24, HC26, ED12 and ED13 of the Kennet District Local Plan² (KDLP) are referred to in the Council's decision notice. The emerging Core Strategy policies were also referred to in the decision notice. Whilst some policies of the KDLP are retained in the WCS, this does not apply to those related to this appeal and the KDLP policies are therefore superseded. The evidence of the Council and the appellants addresses the adopted WCS and therefore neither party is prejudiced by this change. I have determined the appeal having regard to the adopted WCS policies.

¹ Wiltshire Core Strategy Adopted January 2015

² Kennet District Local Plan adopted April 2004

Main Issues

3. The main issue is whether or not the appeal premises are suitable for use as permanent residential accommodation having regard to local and national policies.

Reasons

4. The proposal seeks the removal of the disputed condition so that The Carthouse can be used as a permanent residential dwelling. The Carthouse lies at the north eastern end of a short row of dwellings on the east side of a lane leading from Chute Cadley. The group of dwellings known as New Buildings are separated from other areas of Chute Cadley by an area of undeveloped land. Chute Cadley is in the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
5. The relevant development plan for the appeal site is the adopted Wiltshire Core Strategy. Core Policy 1 of the WCS sets out the settlement strategy for Wiltshire, identifying four tiers of settlements of which Large and Small Villages are the fourth tier. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of the settlement and to improve employment opportunities, services and facilities. Section 5 of the WCS, which sets out the strategies for various community areas, confirms the settlements which make up The Chutes to be a Small Village and from which any settlement boundary has been removed. Paragraph 4.16 of the WCS explains that some very modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities.
6. Core Policy 2 of the WCS states that development is to be delivered in the most sustainable manner with homes developed in sustainable locations and as set out in Community Area Strategies. Development will not be permitted outside the limits of development as defined on the policies map which may only be altered through subsequent Site Allocations DPDs and neighbourhood plans. At Small Villages, development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development i) respects the existing character and form of the settlement, ii) does not elongate the village or impose development in sensitive landscape areas, and iii) does not consolidate an existing sporadic loose knit area of development related to the settlement.
7. Core Policy 2 therefore allows infill development where it seeks to meet housing needs of the settlement. The first element of Core Policy 2, which limits development to infill within the built area, relates to what follows and therefore to development which meets the needs of the settlement. The appeal proposal is not designed to meet the housing needs of the settlement. Whilst some development may have been permitted in Chute Cadley against the background of earlier policies, Core Policy 2 is now the relevant policy.
8. The appeal proposal, as a dwelling with unrestricted occupancy, would not therefore comply with Core Policy 2. Nor can the proposal rely on Core Policy 26 which relates to the Tidworth Community Area as this confirms development is to be considered on the basis of Core Policy 1. Consequently, the appellants'

view that Chute Cadley is a sustainable location for new housing development is not borne out by the WCS.

9. The supporting text to Core Policy 2 at paragraph 4.25 points to the 'exception policies' in the core strategy which seek to respond to local circumstance and national policies. Those of relevance to the appeal proposal are Core Policies 39 (related to tourism) and 48 (supporting rural life).
10. Core Policy 39 sets out tourist development policy. Within Principal Settlements and Market Towns, proposals for tourist development of an appropriate scale, including attractions and tourist accommodation, will be supported. Tourist and visitor facilities are to be located in or close to (amongst other locations) Small Villages and where practicable be located in existing or replacement buildings. I consider that Core Policy 39 as a whole could be taken to support holiday accommodation, however, this does not amount to seeking its retention.
11. Core Policy 48 relates to supporting rural life. It provides for residential development to meet the needs of rural workers who need to live near their place of work. Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported subject to compliance with five criteria related to the condition of the building, effect on character and appearance and living conditions, adequacy of access, reasonable access to local services or securing the long term viability of a heritage asset. This policy would therefore support the use of the appeal building for holiday accommodation but not for unrestricted residential use. However, Core Policy 48 also states that where there is clear evidence that the supported uses for re-using rural buildings are not practical propositions, residential development may be appropriate where it meets the other listed criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy.
12. Core Policy 48 is therefore a key development plan policy against which to assess the proposal. The supporting text at paragraph 6.61 of the WCS sets out that the policy is based on a number of objectives including supporting the sensitive reuse of built assets to help meet local needs. Paragraph 6.63 confirms that proposals to convert or re-use buildings for residential uses will need to fulfil the requirements of Core Policy 48. The appellant points to Core Policy 48 being more onerous in its requirements than those set out in paragraph 55 of the National Planning Policy Framework (Framework). The latter refers to the need to avoid isolated new homes in the countryside unless there are special circumstances, one example of which is the re-use of redundant or disused buildings and where development would lead to an enhancement to the immediate setting.
13. I am not in a position to comment on the building's condition or that of its setting prior to conversion. However, I do not dispute the quality of the extant, converted building. The WCS was adopted in January 2015 and is therefore up to date. The Framework reiterates the provisions of the 1990 Act that proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.
14. WCS Core Policy 48 requires consideration of whether the tourism related use of holiday accommodation is a practical proposition. The property has been in

use for holiday letting since 2011. The evidence confirms that the appellants undertook the conversion works on this basis. The disputed condition requires an up-to-date register to be kept and made available to the local planning authority when requested. This register has not been put forward with the evidence to the appeal although some occupancy figures form part of the financial evidence. I have no reason to doubt the appellants' statement that the property has been marketed through a reputable and experienced holiday lettings web site and is accessible through Tripadvisor.

15. I have considered the financial evidence which has been provided. This indicates a financial loss for the year 2011/12 and a small loss for 2012/2013 with a modest profit predicted for the three following years however overall anticipated average profit for five years of trading is negligible. I am provided with only two years of figures. The business categories for the expenses and allowances are not directly comparable between the two years.
16. The appellants' statement indicates that the business is supported by a large mortgage and that variable and running costs are much higher than anticipated such that the predicated average profit for five years of trading is negligible. I note that the number of nights the property was occupied increased from 120 in 2011/12 to 157 in 2012/13 as well as the average nightly cost to guests.
17. I appreciate that securing holiday bookings is a competitive market and that guest expectations are high. However, the evidence before me is not sufficient to demonstrate that the holiday lettings have been pursued to the point where it has been shown that running the property for holiday lettings is not practical. In particular, I note that the appellants consider one of the drawbacks of the site is its distance from major tourist attractions. However, it is not clear that there have been attempts to market the accommodation through more than one agency, or through agencies which specialise in rural locations. Although the property has been advertised on the village website, it is not clear how that would be likely to significantly increase coverage to potential guests.
18. Paragraph 55 of the Framework seeks to avoid new isolated homes in the countryside. It is acknowledged that the Framework would allow for the provision of new homes in rural areas in special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the building's immediate setting. This would not be the case here as the building cannot be considered as redundant or disused. Core Policy 48 deals specifically with re-use of rural buildings and is consistent with national planning policy. Therefore, having given the proposals careful consideration, I conclude that the proposal to remove the condition would not comply with up to date development plan policy and the evidence is not sufficient to confirm that holiday accommodation is not practical.
19. Whilst Core Policy 40 is not directly applicable to the appeal proposal as the policy specifically refers to bed spaces provided in hotels, public houses or conference facilities, the aim of the policy is to retain bed spaces as tourist accommodation. However, I do not agree with Council's contention that the proposal would have the consequence of altering the character of the area given that The Carhouse is already a form of residential development.
20. The proposal would provide a single dwelling and the appellant suggests there may be doubt about the five year land supply. However, the contribution to housing land supply from one dwelling would be very limited. I have also

noted the comments regarding permitted development rights for the change of use of agricultural buildings but, as the appellants note, these are not relevant to this site in the AONB.

21. Accordingly, the appeal proposal does not comply with WCS Core Policy Strategies 1, 2, and 48 and, on the basis of the evidence, this is not outweighed by other considerations.

Conclusions

22. For the reasons given above and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Jennifer Tempest

INSPECTOR