
Appeal Decision

Site visit made on 2 July 2015

by **B J Sims BSc(Hons) CEng MICE MRTPI**

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

Decision date: 28 July 2015

Appeal Ref: APP/Y3940/W/15/3003800

190 Ashley Green, Little Ashley, Bradford-on-Avon, BS15 2PW

- 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 a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr John Banks against the decision of Wiltshire Council.
 - The application Ref 14/09946/VAR, dated 21 October 2014, was refused by notice dated 15 December 2014.
 - The application sought planning permission for the conversion of existing garages into holiday let without complying with a condition attached to planning permission Ref 07/02817/FUL, dated 30 October 2007.
 - The condition in dispute is No 4 which states that: 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 February.
 - The reason given for the condition is: The site is in an area where residential development would not normally be permitted.
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Decision

1. The appeal is dismissed.

Planning Issues

2. The main issue is whether the disputed condition is reasonable and necessary to prevent permanent residential occupation of the appeal building with reference to adopted local planning policy regarding the conversion and re-use of rural buildings.
3. It is also necessary to consider the degree to which permanent residential use of the building would amount to sustainable development with particular regard to road access, highway safety and the availability of local services, compared with its currently permitted use as a holiday let.

Reasons

4. The appeal building has been nicely converted into a modest, two-bedroom dwelling standing within its own garden area behind No 189 Ashley Green, with which it shares its vehicle access. No 189 is the home of the Appellant who has operated the building as a holiday let following the completion of its conversion in 2011.

5. The building is situated in the Bristol Green Belt where, in the strict terms of Green Belt policy, its conversion and re-use is not regarded as 'inappropriate'. Therefore, the Green Belt test of whether there are 'very special circumstances' to justify the permanent residential use now proposed does not have to be applied.
6. Be that as it may, the use of the building must still comply with relevant provisions of the statutory development plan unless material circumstances indicate otherwise. These include Core Policy 48 (CP48) of the adopted Wiltshire Core Strategy 2015 (WCS). This policy is essentially consistent with the National Planning Policy Framework (NPPF) in requiring clear evidence that the current holiday, or tourism, use is not a practical proposition, before permanent residential development may be regarded as appropriate. Even then, the development must not detract from the character or appearance of the landscape and must be served by adequate access and local services.
7. The Appellant asserts that most visitors prefer to stay in Bradford-on-Avon itself and that the "Saddle Stone Cottage" website and advertisement via the Bradford-on-Avon Information Centre have failed to attract a significant number of bookings in the years since the conversion was completed. The Appellant provides a schedule of comparable weekly rental charges for other holiday lets in the area as an indication that the asking price has been reasonable. However, the Appellant admits to rejecting a contract with a commercial letting company, claiming that the level of commission would render the holiday let unviable.
8. Without any other documented financial records or correspondence, the information available does not amount to the requisite clear evidence that the holiday let is not a practical proposition in terms of CP48. This objection alone warrants dismissal of the appeal, even though it is accepted that the development is low-key in nature and not commercially speculative.
9. Moreover, notwithstanding that the holiday let is an attractive dwelling, it lacks outbuildings of its own, such that permanent occupiers would be likely to require. The regular use of the garden and a potentially greater level of domestic activity and paraphernalia within the open countryside would detract from the character and appearance of the landscape. This consideration adds to the degree of conflict with CP48 and its criterion (ii) in particular.
10. The route along the rural lanes leading to the appeal property is of poor quality with a risk of conflict between vehicles and pedestrians contrary to the interests of road safety. Moreover, the relatively long distance from local shops and other community services would require regular reliance on the private car for access. In these two respects, the proposed permanent residential use of the appeal building would fail to accord with the principles of sustainability and be in some further conflict with CP48, criteria (iii-iv), as well with the principles of sustainable transport set down in CP60 of the WCS. However, it must be taken into account that, in its permitted holiday use, there is nothing to prevent the dwelling from becoming frequently occupied, other than during the month of February. This could also give rise a substantial number of car trips. As a result, neither the consideration of poor access nor the long distance from available community facilities are determining factors in this case.

11. This appeal is considered in the light of every matter raised in the representations, including reference to a previous permission for a holiday let at Haugh (Potticks Stable) not far from Little Ashley, cited by both District and Parish Councils as evidence of local demand for tourist accommodation; but each case is decided on individual merit and it is the lack of documentary evidence in the present appeal which is the main deciding issue. It is also noted that that the appeal dwelling could contribute a small permanent addition to the local housing supply. However, this socio-economic benefit is clearly outweighed by the potential environmental harm to the rural landscape and the conflict with adopted policy.
12. No other point raised is of sufficient importance to affect the overall conclusion that, for the reasons explained above, the appeal should fail.
13. For the reasons given, the appeal fails.

B J Sims

Inspector