



Appeal Decision

Site visit made on 3 March 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/L3245/W/22/3308708

5 Wood Terrace, Well Farm Junction Marton to Myddle Hill Junction with A528, Myddlewood, Myddle, Shropshire SY4 3RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs G & RC Price against the decision of Shropshire Council.
 - The application Ref 22/03519/FUL, dated 29 July 2022, was refused by notice dated 3 October 2022.
 - The development proposed is described as 'Retrospective change of use of holiday let to an unrestricted residential dwelling'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission (ref: 21/00598/FUL) was previously granted in April 2021 to enable the appeal building to be used as holiday let accommodation. This was subject to conditions, including to restrict its use to holiday let and limit persons to a maximum stay of 4 weeks with no return in 12 months.
3. I am informed that a member of the appellants' family inadvertently let the property out to tenants (not on the basis of a holiday let) for a full 12-month period. The appellants have further advised that the relevant tenancy period expired in early March 2023 (prior to the appeal decision being made) and that the tenancy was not being renewed. During my site visit I entered the appeal building, and it was apparent that the tenants were in the process of moving out of the property.
4. Accordingly, I am satisfied the failure of the appeal would not put any tenants' occupation of the property at risk, nor interfere with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998.

Main Issues

5. The main issues are: a) whether the site is a suitable location for the proposed development having regard to local and national planning policy; b) whether the proposed development would provide suitable living conditions for future occupants; and c) whether the proposed development would result in an unacceptable loss of tourism accommodation.

Reasons

Location

6. The appeal site relates to a detached building to the rear of 5 Wood Terrace (no. 5). It is accessed via a shared drive with no. 5 and adjacent neighbouring properties. I understand that the appeal building was formerly used as ancillary accommodation to no. 5, before planning permission was granted in 2021 for it to become a holiday let.
7. The appeal site is positioned in a rural location, amongst a small cluster of dwellings, as such it is not isolated in nature. However, it remains a considerable distance from the village of Myddle along a country road, which has an absence of pavements and streetlighting with limited services and facilities nearby. It is also outside of any defined settlement boundary and therefore is considered to be in the open countryside. Given the context of the site, it is likely that any residents of the proposal would be dependent on the use of private motor vehicles for most of their daily needs.
8. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) (the Core Strategy) allows for certain new development in the open countryside, where it maintains and enhances the countryside's vitality and character and improves the sustainability of rural communities. A list of suitable development types is provided by the policy. This includes new dwellings or conversions for rural affordable housing/accommodation to meet a local need (subject to further criteria), or open market residential conversions where they involve a heritage asset.
9. Additionally, Policy CS11 of the Core Strategy sets out the Council's approach to the delivery of affordable housing. This includes that relevant residential conversion schemes in the countryside (where permitted under Policy CS5), contribute to the provision of local needs affordable housing and make appropriate infrastructure contributions.
10. Policy MD7a of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015) (the SAMDev) relates specifically to managing housing development in the countryside and provides further criteria to Policies CS5 and CS11. The policy establishes that new market housing will be strictly controlled in the open countryside. It does allow for suitably designed and located exception site dwellings and residential conversions, where they meet evidenced local housing needs and accord with other policy requirements.
11. The appellants suggest that, if sold, the proposed residential dwelling would be offered as an affordable unit. They have also indicated an intention to provide a legal agreement to restrict future occupancy of the property as an affordable dwellinghouse. However, from the evidence before me it is unclear as to whether the appellants are proposing that the building would be affordable housing as per the definition in the National Planning Policy Framework¹ (the Framework). Moreover, there is no appropriate mechanism before me to secure the property as affordable housing. It has also not been evidenced that there is a local housing need in the area, as per the above local policy requirements.

¹ See Annex 2: Glossary of the National Planning Policy Framework (2021)

12. The proposed development also does not satisfy any of the other exceptions outlined under Core Strategy Policy CS5 or Policy MD7a of the SAMDev. Whilst the Council may have previously found the principle of tourism accommodation to be an acceptable use of the appeal site, this does not sufficiently justify the proposed development. Notably, due to the difference in their use and the alternative policy requirements that need to be satisfied.
13. Accordingly, the proposed development does not comply with the Council's strategy for residential development in the countryside and is in conflict with Policies CS5 and CS11 of the Core Strategy and Policy MD7a of the SAMDev.
14. Likewise, due to its location, lack of nearby services/facilities, and that occupants would likely be highly dependent on the use of private motor vehicle, the proposal would also conflict with the housing strategy set out within the Framework.

Living Conditions

15. The appeal building is a single storey two-bedroom property with an overall floorspace of just under 60sqm. This falls marginally below the minimum gross internal floor area for a two-bedroom property as set out in the nationally prescribed space standards². Additionally, neither of the bedrooms meet the minimum nationally prescribed space standards to be used as double (or twin) bedrooms. Indeed, I observed on my site visit that the property, most notably the bedrooms, were rather cramped and confined spaces. The lack of space within the bedrooms would be particularly acute if being used by multiple occupants. Whilst this may be adequate for occupants that would be staying on a temporary basis (e.g. tourists), I consider the property would provide unsatisfactory living conditions for permanent residential occupants.
16. The appellants accept both bedrooms would need to be single occupancy to meet the prescribed space standards. The appellants have therefore put forward that the proposed residential dwelling would be restricted to a maximum of two occupants. It is further suggested that this could be controlled through short-term lease arrangements should the accommodation be rented out. It is unclear from the evidence before me how this would be controlled in the event that the property was to be sold. In any case, I am not persuaded that the number of occupants could be suitably controlled via a planning condition, having regard to the tests of conditions outlined at paragraph 56 of the Framework.
17. Both the existing and proposed dwelling would have separate curtilages and areas of outdoor recreation space. From my on-site observations the outdoor amenity space that would be provided to each property would be sufficient to undertake a range of activities, including sitting out, children's play, drying of washing, and storage of waste. I am therefore satisfied that the proposal would provide each dwelling with an appropriate level and type of outdoor amenity space. This is despite the proposal not necessarily meeting the minimum level of outdoor space that the Council has identified as being expected under its supplementary planning document. Nevertheless, this does not overcome my concerns over the adequacy of the internal accommodation.

² See Department for Communities and Local Government 'Technical housing standards – nationally described space standard'

18. Overall, I find that the proposed development would not provide suitable living conditions for future residential occupiers. This is due to its limited internal floorspace, in particular the cramped nature of the bedrooms, alongside the property's potential to accommodate several residents. The proposal is therefore in conflict with the Framework in respect of providing development of a high-quality design that has a high standard of amenity for existing and future users.
19. The Council has also referred to Policy MD2 of the SAMDev in its reason for refusal, which relates to sustainable design. Whilst the policy provides various design criteria that development proposals should adhere to, it does not detail the need to safeguard the living conditions of future occupiers or require the delivery of specific space standards. Accordingly, I have not found the policy to be relevant in this instance.

Loss of Tourism Accommodation

20. Policy MD11 of the SAMDev seeks to establish a positive approach to tourism, leisure, and recreational developments that balance the benefits to the economy against the need to protect the environmental qualities of the area. Amongst other matters, the policy requires proposals for the conversion of holiday lets to permanent residential use to demonstrate that their loss will not have a significant adverse effect on the visitor economy.
21. Whilst planning permission was granted for the appeal building to be used for tourism accommodation, the appellant highlights that the site has never been used in such a manner. Therefore, to my mind, the tourism use has not commenced and the appeal proposal would not result in the loss of such a use.
22. Even if the proposal was deemed to result in the loss of tourism accommodation, given its lack of use, I do not consider it would cause any significant adverse impacts to the area's visitor economy. Consequently, I do not consider the proposal to conflict with Policy MD11 of the SAMDev.

Other Matters

23. I recognise that permanent residents may also support the local economy in a similar or greater manner than tourists, however, this does not justify the proposal's conflict with the above adopted development plan policies.
24. The use of the building as a holiday let could generate more vehicle trips than its permanent occupation as a residential dwelling. However, I consider this unlikely, whilst in any case, I do not find it would warrant the appeal proposal.
25. Similarly, a lack of harm to (or objections from) neighbouring residents is not suitable justification for the proposal.

Conclusion

26. For the reasons given above, having regard to the development plan and taking account all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR