

# **Planning Statement**

**Newtons Corner, Melbourne Road, Isley Walton, Castle Donington**

**October 2019**

**GHM Planning Ltd**

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## **1.0 Introduction**

- 1.1 This Planning Statement has been prepared on behalf of David Granger Architectural Design Limited in support of the application to vary condition 4 of 9/2017/1193.
- 1.2 This statement should be read in conjunction with the accompanying documents which include:
  - Plans and drawings prepared by David Granger Architectural Design Limited;
  - Application forms.
- 1.3 This statement describes the application site, the locality and comments on the relevant Development Plan and national policy framework.

## **2.0 Site and Surroundings**

- 2.1 The site is to the north of Melbourne Road and to the west of Ramsley Wood. The site accommodates a single storey brick and tile outbuilding served by an access from Melbourne Road. The access is to the south-east of the outbuilding.
- 2.2 The building has been refurbished and converted into overnight tourist accommodation and occasional staff use and comprises a kitchen/living room with two bedrooms.

## **3.0 Relevant Planning History**

- 3.1 Planning application 9/2016/1270 granted permission for the conversion of the former farm building to overnight tourist accommodation (Use Class C3) and the formation of a driveway.
- 3.2 Planning application 9/2017/1193 granted permission for the conversion and extension of the former farm building to overnight accommodation and occasional staff accommodation and the formation of a driveway.

## **4.0 Proposed Development**

- 4.1 The application is to vary condition 4 of 9/2017/1193.
- 4.2 Condition 4 of 9/2017/1193 stated:

Notwithstanding the provisions of Part C Class 3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any Order(s) revoking or re-enacting either or both Order(s) the converted building shall be used for the purpose of holiday accommodation and temporary staff accommodation only and for no other purposes, including any other purpose within Class C3 of the Order without the prior grant of planning permission by the Local Planning Authority, and:

- i. The building shall not be occupied as a person's sole, or main place of residence;
- ii. Other than allowed for by point iii. below, the accommodation shall not be occupied by a person or group of persons for a continuous period of more than 28 days and it shall not be re-occupied by the same person(s) within 3 months following the end of that period;

- iii. The accommodation shall not be occupied by a person or group of persons employed at Donington Farmhouse for more than 42 days within any 3-month period;
  - iv. The site operator shall maintain an up-to-date register of the names of all occupiers of the building, and of their main home addresses, and shall make that information available at all reasonable times to the Local Planning Authority.
- 4.3 The reason for this condition was “The provision of a dwelling in this location would be contrary to the Development Plan and the objectives of sustainable development”.

## **5.0 Planning Policy**

- 5.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises the adopted Local Plan Part 1 and Part 2. Other material considerations include the NPPF and the NPPG.
- 5.2 Policy H1 Settlement Hierarchy states in rural areas outside of the defined settlements only development of limited infill and conversions of existing buildings will be acceptable.
- 5.3 Policy INF10 Tourism Development states tourism development, including overnight accommodation and visitor attractions, will be permitted: i) Within or adjoining the urban area or the Key Service Villages or; ii) In other appropriate locations where identified needs are not met by existing facilities. The District Council will seek to maximise opportunities to deliver new or improve existing sustainable access arrangements including public transport provision, walking and cycling provision where appropriate. In all cases the District Council will expect new tourism development to be i) provided through the conversion or re-use of existing buildings or; ii) accommodation of a reversible and temporary nature, or iii) sustainable and well-designed new buildings, where identified needs are not met by existing facilities, subject to all the other relevant policies in the Local Plan. New tourism development that is likely to give rise to undue impacts on the local landscape, natural environment or cultural heritage assets will be refused.
- 5.4 In the supporting text at paragraph 9.70 it states the Council may require a legal agreement to ensure that new or converted buildings remain as tourist accommodation and do not become permanent dwellings.
- 5.5 Policy H28 Residential Conversions of Part 2 states outside settlement boundaries the conversion of a building to provide residential accommodation will be permitted provided the building: i) is of a permanent and substantial construction; and ii) is suitable for conversion without extensive alteration, rebuilding and/or extension; or iii) constitutes the re-use of a suitable redundant or disused building or would secure the future use of a heritage asset. All conversions should result in the enhancement of the building's immediate setting.
- 5.6 At paragraph 3.17 it states buildings within the South Derbyshire countryside are part of the character of the Rural Areas. The conversion of buildings can allow change to be assimilated without being detrimental to the existing character. The utilisation of buildings in this way can also bring environmental benefits and provide a source of housing accommodation without releasing new land for development and can also protect heritage assets. At paragraph 3.18 it states national Policy supports the reuse

of rural buildings for residential uses subject to this leading to an enhancement to the immediate setting.

- 5.7 The NPPF makes clear that applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise, and in this respect the NPPF is a material consideration in planning decisions.
- 5.8 At the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective, a social objective and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land.
- 5.9 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.10 At paragraph 47 of the NPPF it states planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.11 At paragraph 79 the NPPF states planning decisions should avoid the development of isolated homes in the countryside unless, amongst other circumstances, that the development would re-use redundant or disused buildings and enhance its immediate setting.
- 5.12 At paragraph 83 c) it states planning decisions should enable sustainable tourism and leisure developments that respect the character of the countryside.

## **6.0 Planning Assessment and Justification**

- 6.1 The site lies in open countryside and comprises a refurbished and converted barn of brick and tile. The approval under 9/2017/1193 has been implemented and the applicant seeks to vary the restrictive occupancy condition to reflect the changing needs of the associated hotel operation.

6.2 The desire of the client is to vary the approval so that the outbuilding can be used for overnight tourist accommodation, staff accommodation and estate worker accommodation without the burden of any time constraint or the need to document the use. The time restriction and the need to record the occupiers through the maintenance of a register is an onerous burden on the client and the removal of these elements would allow for the easier management of the property. Furthermore, revenue could potentially be lost through complying with the restrictive time periods when a less onerous condition could ensure compliance with the general thrust of the original permission i.e. not used as a separate dwelling but without the negative financial implications of the existing condition. The needs of the business have also shifted meaning that at times the accommodation is needed for an estate worker to reside.

6.3 The restrictive condition states:

Notwithstanding the provisions of Part C Class 3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any Order(s) revoking or re-enacting either or both Order(s) the converted building shall be used for the purpose of holiday accommodation and temporary staff accommodation only and for no other purposes, including any other purpose within Class C3 of the Order without the prior grant of planning permission by the Local Planning Authority, and:

- i. The building shall not be occupied as a person's sole, or main place of residence;
- ii. Other than allowed for by point iii. below, the accommodation shall not be occupied by a person or group of persons for a continuous period of more than 28 days and it shall not be re-occupied by the same person(s) within 3 months following the end of that period;
- iii. The accommodation shall not be occupied by a person or group of persons employed at Donington Farmhouse for more than 42 days within any 3-month period;
- iv. The site operator shall maintain an up-to-date register of the names of all occupiers of the building, and of their main home addresses, and shall make that information available at all reasonable times to the Local Planning Authority.

6.4 The reason for this condition was that a dwelling in this location would be contrary to the provisions of the Development Plan and the objectives of sustainable development.

6.5 Policy INF10 Tourism Development states tourism development, including overnight accommodation and visitor attractions, will be permitted where, amongst other things, in appropriate locations where identified needs are not met by existing facilities.

6.6 The outbuilding has been well used since the approval was implemented and provides a valuable accommodation resource for use by the hotel, providing overnight accommodation and staff accommodation when required. This need cannot be provided by any other existing facilities.

6.7 As such, the use of the building for tourist accommodation and staff accommodation is in line with the Development Plan. This would continue to be the case through a revised condition, a suggested draft of which is set out below:

The occupation of the building shall be strictly limited to tourist accommodation or employees of the associated Park Farmhouse Hotel and shall at no time be occupied as a separate dwelling.

- 6.8 This condition would allow the use of the building to continue to provide tourist accommodation and staff accommodation but would preclude a change of use of the building into a permanent dwelling. This would align the permission to the occupation of the warden accommodation at the Park Farmhouse Hotel on Melbourne Road. This was approved by the neighbouring North West Leicestershire District Council under 09/00079/FULM (Appendix 1) which had a similar condition. In that case it was deemed sufficient to ensure the building would not be used as separate dwelling. A record of tourist occupation would still be kept as part of the wider hotel operation as evidence the building was not being used as a separate dwelling but would not require the maintenance of a separate register. The removal of the restriction would also reduce the chances of lost revenue through compliance with the stricter time periods which would benefit the existing operation and wider area whilst still ensuring general compliance with the original permission.
- 6.9 It is considered this revised condition would achieve the aims of the original condition, would make it consistent with the other condition on the warden accommodation and reduce the management of the building for the owner. The site straddles the South Derbyshire/North West Leicestershire boundary and this alignment would be beneficial to the operation of the property and wider hotel. This would also comply with paragraph 83 of the NPPF which supports tourist development.
- 6.10 It should also be noted that under paragraph 79 of the NPPF support is forthcoming for the re-use of redundant or disused buildings for residential purposes where its immediate setting would be enhanced. The development carried out on this property has led to an enhancement of the building and its immediate environment. It is not the owner's intention to use the building as an independent dwelling; however, such a proposal would align with national policy. As such, a less burdensome occupancy condition would appear a reasonable request.
- 6.11 Considering Government advice on planning conditions paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the tests which are that the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.
- 6.12 The Government advice continues by stating that conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness.
- 6.13 It is noted there may be circumstances where it will be reasonable for the local planning authority to grant planning permission for holiday accommodation/associated occupation and seek to impose a restrictive condition. For example, conversions of redundant buildings into holiday accommodation where conversion to residential dwellings would not be permitted may reduce the pressure on other housing in rural areas. A holiday occupancy/associated occupancy condition would seem appropriate in these circumstances. However, as set out above, in this case the conversion of the building to a dwelling would comply with national policy and therefore an onerous occupancy condition such as the existing condition is not considered suitable. It is however considered reasonable, and in compliance with the tests of imposing conditions, that a holiday/staff accommodation use only restriction would be reasonable in this case along the lines of the condition suggested above. This would balance the requirements of the applicant with the requirements of the Council on the original application.

- 6.14 As such, it is considered the proposal to vary permission 9/2017/1193 to substitute the approved condition with the suggested condition above (or similar to be agreed) would allow the continued use of the building to benefit the hotel operation and those who occupy the building without the risk of the building being used as a separate, independent dwelling. It is politely requested that permission be granted to vary this approval. It is contended that the continued imposition of the more onerous condition would not be reasonable and as such would not meet all the tests that planning conditions must adhere to.