



Appeal Decision

Site visit made on 19 October 2009

by **A Clack BA(Hons) BTP MRTPI MBA**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
25 January 2010

Appeal Ref: APP/P1615/A/09/2103429

Whitecliff Holiday Lodges, Whitecliff, Coleford, Gloucestershire, GL16 8NB

- 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 Bluedyne Ltd against the decision of the Forest of Dean District Council.
- The application Ref P0232/09/FUL, dated 13 February 2009, was refused by notice dated 8 April 2009.
- The application sought planning permission for the erection of 22 holiday lodges and alteration to vehicle access without complying with a condition attached to planning permission Ref DF.9752/A, dated 14 May 1993.
- The condition in dispute is condition b which states that: 'The holiday accommodation for which permission is granted shall only be occupied for a period not exceeding 4 weeks for any single letting and a return within 4 weeks by the same household shall not be permitted. A register of lettings shall be kept available for inspection by officers of the Council'.
- The reason given for the condition is: 'The site is in an area where consent would not normally be granted for permanent residential accommodation and the Local Planning Authority wishes to retain control over the use in the interests of amenity'.

Application for costs

1. An application for costs was made by Bluedyne Ltd against the Forest of Dean District Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal and grant planning permission for the erection of 22 holiday lodges and alteration to vehicle access at Whitecliff Holiday Lodges, Whitecliff, Coleford, Gloucestershire, GL16 8NB in accordance with the application Ref P0232/09/FUL dated 13 February 2009, without compliance with condition b previously imposed on planning permission Ref DF.9752/A dated 14 May 1993 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
 - b) The lodges shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reasons

3. The appeal site is outside of any defined settlement boundary and as such falls within the open countryside where restrictive policies apply to new residential development. A previous planning consent allowed for the development of a holiday park comprising 22 holiday lodges subject to a condition restricting occupation by any person to no more than 4 weeks for a single letting with no return within 4 weeks by the same household.
4. The appeal proposal seeks to remove the restriction on the length and frequency of occupation of the lodges. From all that I have seen and read I consider that the main issue in this case is the effect of the proposal on the character and appearance of the countryside.
5. Given the location of the site and the rural nature of the surrounding landscape, the approved lodges would be viewed in the context of the topography of the site and the established surrounding vegetation. Given the site layout and design of the lodges, their use in a less restricted manner, including the use of the external areas of the site by occupants, need not in my opinion result in a more domestic appearance or any material change in the overall rural appearance of the site or the surrounding area.
6. Similarly, provided that the lodges are not used as a main residence, the comings and goings from the site would not involve accessing employment and education facilities or social meeting and events. Rather, they are likely to relate primarily to recreation and leisure trips or other trips associated with visitor activities such as accessing entertainment or places to eat. Accordingly, I do not consider that the activity associated with the occupation of the lodges as holiday accommodation would have any unacceptable urbanising effect, result in more car dependency or material change in the number of car movements or could be considered to be comparable to the activity associated with permanent residential accommodation.
7. In support of the appeal proposal the appellant has indicated that despite marketing the site is not attractive to purchasers because of the restriction on the length and frequency of occupancy as set out in the disputed condition. However, notwithstanding the lack of marketing information or the business case demonstrating the viability of the approved scheme, as I have indicated above the issue to be considered in this case is whether condition b is necessary to protect the intrinsic character and appearance of the countryside.
8. Both the Council and the appellant have stated that it will be necessary to replace the disputed condition with another suitably worded condition in order to ensure that the lodges remain as holiday accommodation only. I agree that the suggested condition is necessary and appropriate for holiday park accommodation, and is in accordance with the advice set out in the Government's Publication a *Good Practice Guide on Planning for Tourism*.
9. My conclusion on the main issue is therefore that, subject to a replacement condition, the use of the lodges by occupiers without restriction on frequency or length of stay would not constitute less sustainable development or cause any material harm to the character or appearance of the countryside. Accordingly I

find no conflict with the objectives of Regional Planning Guidance 10; policies S.4, S.6, TSM.1, TSM.3 and NHE.1 of the Gloucestershire Structure Plan, or policies (R)F.Strategy 2, (R)FTRL.2 and (R)FNE.1 of the Forest of Dean District Local Plan Review. These policies together seek to protect the character and appearance of the countryside and natural environment, and promote sustainable tourism and travel in rural areas.

10. The Council has also indicated that the proposed variation in the approved length and frequency of occupation of the holiday lodges would harm the tourism strategy for the area. However, it is clear to me that the lodges would contribute to available visitor accommodation within the area. Whether occupied by shorter or longer stay visitors or for more frequent visits throughout the year the accommodation would continue to be capable of meeting the needs of visitors to the area. I have not been provided with any substantive evidence that there is any unmet demand for short term only accommodation. Indeed, in this particular case the removal of the current restriction would allow for both shorter and longer term holiday usage thereby appealing to a wider visitor market and allowing more flexibility of use during different periods throughout the year in response to the changing demand for holiday accommodation. For these reasons I do not consider that the proposal would not undermine any of the objectives in respect of the promotion of sustainable tourism contained in the policies highlighted above.
11. In reaching my decision I have given careful consideration to the appeal decisions provided by both parties detailing the different approaches adopted by previous Inspectors considering the use of occupancy conditions for holiday accommodation. Although none of the cases cited are directly comparable to the case before me, and in the absence of detailed information about each case, the decisions do demonstrate that the individual circumstances of each site and proposal dictate the particular conditions attached by each Inspector. In this case as the site would comprise solely of holiday lodges, coupled with the nature and design of the lodges themselves, their use as permanent residential occupation is in my view less likely than, for example, the conversion of more permanent, isolated or individual units unrelated to a holiday park. I am satisfied that the condition that I have attached is capable of ensuring that the lodges within the holiday park are not occupied as permanent residential accommodation. I have also noted the approved holiday accommodation at other sites in the locality and I am mindful of the Council's reference to the special circumstances of the original consent. However, each proposal must be considered on its individual planning merits as I have done.
12. For the reasons set out above, and having regard to all other matters raised, I consider that the appeal should be allowed.

A Clack
INSPECTOR