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Our Ref: AB/015/19

30 January 2024

Head of Planning  
Planning Department  
East Hampshire District Council  
Penns Place  
Petersfield  
GU31 4EX

Dear Sirs

**SECTION 73 APPLICATION - VARIATION OF CONDITIONS 3 AND 11 OF  
PLANNING PERMISSION REFERENCE 56230/009**

**CONVERSION AND EXTENSION OF EXISTING STORE BUILDING TO PROVIDE  
HOLIDAY LET ACCOMMODATION, TOGETHER WITH KITCHEN EXTENSION  
TO PUBLIC HOUSE (APPLICATION B) (additional information received 28/03/23)**

**THE HANGER FREE HOUSE, OAKHANGER ROAD, OAKHANGER, BORDON,  
GU35 9JQ**

On 20 December 2023, the Council granted planning consent for the above planning permission with a total of 11 planning conditions attached to the consent.

This S73 application seeks to remove condition 3 and amend the plans subject of Condition 11.

Condition 3 is considered to be in part already covered by Condition 2 which requires the owners to keep a register listing occupiers of the holiday accommodation and for that register to be made available to the Council on request. In addition, Condition 3 seeks to prevent the holiday let use being operated independently from the public house and specifically precludes the buildings from being owned separately, requiring the holiday let to be part of The Hanger Free House.

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Condition 11, which listed the approved plans the subject of the application, is also being amended to include a revised floor plan for the holiday let accommodation as the approved plan is in affect a duplicate of the approved plan for the B&B accommodation and office space approved under application 56230/003. The approved floor plan was submitted in error and only picked up following the grant of the permission. The description of the application correctly refers to the approved development, which was for a holiday let use and no office space within the existing store building.

Condition 3 states the following

- 3** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the development hereby approved shall only be used as holiday accommodation, shall not be used for as any individual's main or sole residential dwelling, and shall not be sold or otherwise disposed of separately from the property known as The Hanger Freehouse outlined in red on the approved plans. The applicant, or their successor(s) in title, shall maintain a comprehensive up-to-date register listing occupiers of the holiday accommodation hereby approved, their main home addresses and the dates of occupation at the site. The said register shall be made available for inspection by the Local Planning Authority at reasonable notice.  
Reason - To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

The applicant does not take any issue with the approved description of the planning application as it correctly describes the proposal as a holiday let accommodation. It is the requirement of Condition 3 that the two premises remain linked by ownership and remain part of The Hanger Free House that the applicant takes issue with and seeks to have removed.

It is the applicant's intention to use the building solely for holiday let accommodation purposes, and not as accommodation for any individual's main or sole residential accommodation. This appears to have been the Council's main concern and the reasoning behind the restrictive condition.

The applicant does not wish to have the holiday let tied to the public house requiring both to be in the same ownership as the two uses do not require to be dependent on each other. From a planning point of view, it is contended that the condition is somewhat unreasonable on this point, as there is no planning justification for this restriction to be included in a condition as both uses can operate without having to be linked by ownership.

The holiday let accommodation, by its nature has all the facilities within the building to remain independent of the public house, therefore there is no physical need for the building to be associated to the public house. The holiday let building is self-contained, having its own front

door, bedrooms, kitchen area and a bathroom facility. It is contended that a holiday let can operate independently as a holiday let without having to depend on facilities within the public house.

The proposal does not alter the approved parking provision for the holiday let accommodation within the main public house car park area. The existing public house car park does have spare capacity for parking, a point acknowledged in the Officer's Report when the original permission was granted.

Whilst the proposal was initially submitted to help generate income for the public house and find a use for the redundant store building, the new management of the public house do not wish to maintain a holiday let facility as part of the pub use nor do they want to be responsible for extending the former storage building for the holiday let business. The focus of the new pub management team is on providing quality pub restaurant facilities and a bar area for locals and visitors to enjoy.

As the holiday let unit is just a single standalone unit of accommodation, it is not an easy fit with the existing business model for the pub as it would require the pub to dedicate staff time to run and clean the accommodation unit as well as take bookings and be responsible for the guests. Other than being a tourist visitor facility there is little symmetry between the two uses and, as such, we do not consider it to be reasonable to tie the two uses to each other by ownership, particularly as we do not believe there to be any material planning harm caused from the holiday let facility operating independently from the public house.

By removing the tie, the holiday let can be owned and operated by a holiday let provider with a portfolio of properties and staff to clean and manage a single standalone holiday let unit in the village.

We would point out that the Condition 3 requirement to maintain the building as a holiday let facility and keep records of visitors that stay at the premises is already covered by Condition 2 of the same planning permission. In this respect, there is an element of duplication in Condition 3, and we would question whether this is indeed necessary and compliant with NPPF guidance.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the accommodation hereby approved shall not be used other than for holiday purposes and shall not be used as any individual's main or sole residential dwelling. The applicant, or their successor(s) in title, shall maintain a comprehensive up-to-date register listing occupiers of the holiday accommodation hereby approved, their main home addresses and the dates of occupation at the site. The said register shall be made available for inspection by the Local Planning Authority at reasonable notice.
- Reason** - To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

The NPPF 2023 states at paragraph 55 that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Paragraph 56 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Specifically, paragraph 54 states that planning conditions should not be used to restrict national permitted development rights, unless there is a clear justification for doing so.

Although we do not object to the removal of permitted development rights for the proposal, we do object to the removal of the applicant's legal rights to separate the ownership of the holiday let accommodation from that of the public house.

The NPPG 2016 (as amended) similarly to the NPPF 2023 requires all conditions to meet the 6 tests for including a condition within a planning permission.

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

In respect of the requirement in Condition 3 for the holiday let accommodation to remain part of the property known as The Hanger Free House, we feel the wording in the condition does not comply fully with the requirements set out in the NPPG, particularly as the applicant would be potentially in breach of the condition should even the name of the public house change.

*A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.*

Paragraph: 015 Reference ID: 21a-015-20140306

It is contended that the condition only needs to require the building to remain as a holiday let and not be converted to a dwelling and this requirement is already covered by Condition 2. There is no justification to seek to ensure that the ownership of the Public House and the holiday let accommodation remains the same.

#### Condition 11

The proposal seeks to replace the approved proposed floor plan layout, which incorrectly refers to the same plan approved under permission 56230/007, which was approved for the conversion and extension of existing store building to provide bed and breakfast accommodation and ancillary office space.

Application 56230/009 clearly sought to difference itself from the already approved application 56230/003 which consisted of the bed and breakfast facility as well as the office.

The supporting statement did explain the proposal for the holiday let and also included a plan of the internal layout.

This S73 application seeks to replace the plan showing the B&B accommodation, which also incorporated a small office space for use by the public house, to a self-contained holiday let accommodation.

In this respect we enclose a floor plan which clearly shows a self-contained unit of accommodation containing the facilities associated with such.

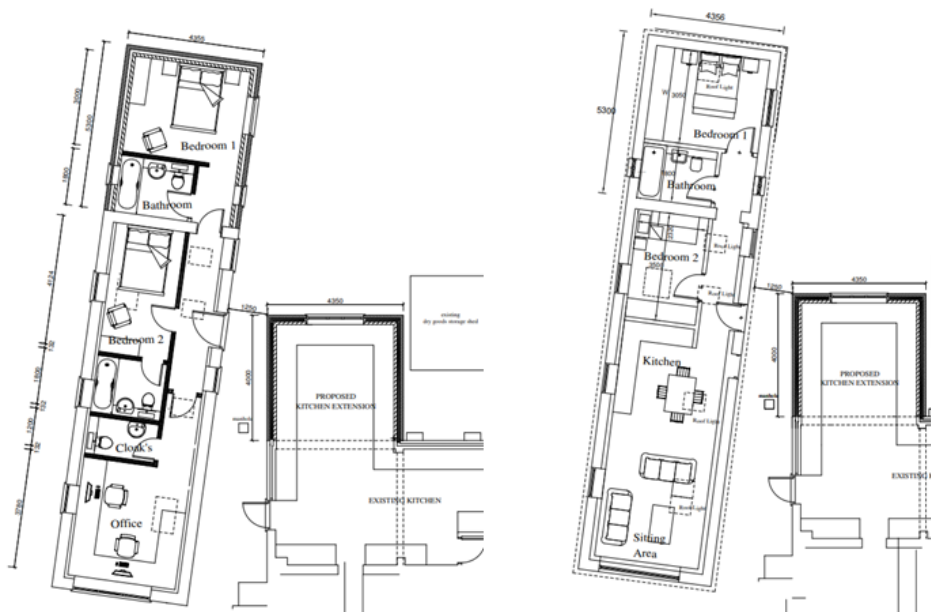
We would point out that unlike B&B accommodation, where the use is akin to a hotel room with ensuite facilities, as well as breakfast being provided within the establishment premises, a holiday let accommodation on the other hand provides self-contained independent accommodation for short periods of time, which does include kitchen facilities. In this respect a holiday let does not need to be linked to a larger premises offering food and other facilities.

In addition, a holiday let by its nature is a transient form of accommodation providing overnight accommodation for a short period of time and often only a few days at most is spent in the accommodation before the occupant vacates the holiday let. In this respect the accommodation does not require the same standard of residential amenities associated with a permanent residential accommodation.

The amended proposed plans do not incorporate any office space for the adjacent public house as the public house has existing space within the building to deal with any paperwork and administrative work associated with the pub business.

Including office space with holiday let accommodation is not considered appropriate, particularly as the public house is within a separate building and sharing part of the premises with a holiday let facility is not conducive with the way the public house operates. Having a mixed use of the small barn building would hinder the ability of the owners/operators of the holiday let from marketing the facility appropriately as the building would not be fully self-contained, which is the essence of a holiday let facility over say a B&B or hotel room.

In this respect, it is deemed that the approved office space is surplus to requirements and was included in the previous application drawings by mistake.



Approved floor plan

Proposed amended plan

The proposed plans now show a kitchen/living room area where the previous office was shown and a reconfigured internal layout for the accommodation. The plans continue to show two previously approved B&B bedrooms in both schemes. The holiday let accommodation now has 1 bathroom facility.

Although the sitting room area has a window that would face northwards and the Council have previously raised concerns about the residential amenity for occupiers of the building, as stated in the Officer's Report, the concerns were raised where the proposed use of the building was for a permanent dwelling where the occupiers would live in the property on a permanent basis. In the case of a holiday let, the occupants would stay in the premises for very short periods of time and in most cases for a day or two and often not spending any time in the premises other than to sleep and have breakfast, before setting off to do what they came to the area for.

In this respect there are no proposed alterations to the external appearance of the property from that already proposed. The plans for the kitchen extension to the public house remain unaltered as well.

Should you have any questions please do not hesitate to contact me.

Yours sincerely  
*D&M PLANNING LIMITED*

***ANDREW BANDOSZ***  
**Director**