



Planning Statement for Hayes Manor Farm

On behalf of

Sarah Hewitt

HFJW Ltd
130 Aztec West
Almondsbury, Bristol
BS32 4UB
Tel 07531717121
Email: allan@hfwsurveyors.com
Ref: 5405/AWJ
March 2024



Photograph 1: Hayes Manor Farm and Annexe

1.0 Introduction

1.01 Huthwaite Freston Williams-Jones Surveyors (HFWJ) have been instructed by the owners of Hayes Manor Farm, Sarah Hewitt, to submit a full planning and listed building application for a Change of Use of a converted, one bed ancillary annexe building located in the curtilage of their primary residence, the Grade II* listed Hayes Manor Farm.

1.02 The change of use proposal is predicated on the applicant's intention to regularise a holiday letting usage of the converted building, to address issues of underutilisation, while providing much need additional income.

1.03 This Statement will go on to demonstrate that the proposed change of use to a holiday let is fully compliant with National guidance and the Council's development plan policies and will be sustainable development.

1.04 This Statement should be read as part of a package of material that makes up the application. Where relevant, this document will cross-reference other material as necessary, including the package of application drawings.

2.0 The Property and Ancillary Annexe.

2.01 The listing for the Grade II* property is reproduced below:

In the entry for: WEST DEAN SO 60 NE 10/142 Hayes

GV II

Upgrade to II*

In the list entry for: WEST DEAN

SO 60 NE 10/142 Hayes

GV II the description shall be amended to read:

House, formerly a farmhouse. Circa late C16. Coursed sandstone rubble with exposed close-studded timber framing on north gable ends and first floor of porch. Plain tile roofs with gable ends, the lower two courses are stone tiles. Large stone rubble axial stack with set-offs. 2-room plan main range, with one-room plan wing at rear; direct entry from a 2-storey porch at the front. Stair turret at the back and axial stack. 2 storeys and cellar on left and lower single storey plus attic- on right with large axial stack at junction. The 2-storey left section has a large 2-storey gabled porch with close-studded first floor jettied out at sides, chamfered wooden doorframe with Tudor arch and iron lattice casement above. Various wooden and stone mullion windows, cavetto moulded on ground floor right and in left (north) gable end. At rear a large square stair turret on right (SW) corner and low gable-ended wing on left. Interior: The principal left (south) room has chamfered ceiling beams, exposed unchamfered joists and large fireplaces, its lintel a re-used ceiling beam. Stone newel stairs in turret at rear and stone window stairs to cellar, which has chamfered ceiling beams. The right hand room has fireplace with chamfered lintels. The rear wing has jointed raised cruck. The roofs and upper floors of the main range were not inspected.

Listing NGR: SO6580406102

For a more detail description of the significance of the property please see the Heritage Statement provided as part of this application.

2.02 The application site comprises a small, domestic outbuilding within the curtilage of Hayes Manor Farm, a Grade II* listed building located to the north of the A48, along an unadopted road off Main Road.

2.03 The period farmhouse is the primary residence of the Hewitt family. This application is only concerning a change of use for a self-contained, converted outbuilding with the curtilage of the listed farmhouse. The conversion was subject to the grant of LBC and planning permission **P1438/14/FUL**.

2.04 The property benefits from a sizable curtilage approximately 0.52ha, which is bounded to its northern boundary by mature trees and hedges, which largely obscures the house and rear garden from public and neighbouring views.

2.05 The site is located outside of a recognised settlement as defined in the in the Forest of Dean Core Strategy (Adopted version 2012). The site lies outside of a designated Conservation Area and there are no planning or environmental constraints or designations affecting the site, which is located within Flood Zone 1 (lowest risk) as shown on the Environment Agency's most up-to-date Flood Maps (see Appendix C).

2.06 There is no construction development associated with this application.

2.07 Due to the current situation of my client's occupation of the property, the annexe is currently unheated and underutilised. This is starting to have a material effect on the annexe's building fabric.

3.0 Holiday Let Usage

3.01 The intensity of the current use of the property is materially less than it was shortly following the annexe's refurbishment. It is anticipated that the intensity of usage of the annexe and access lane if holiday let use is granted, will be largely be similar to when the annexe was in use as ancillary accommodation by the previous owner's family.

3.02 It is my clients wish to use the converted outbuilding to bolster her domestic income from the property by utilising the annexe for low-cost accommodation to support local eco-tourism. My client and her family will continue to live in the main house as their primary residence. The one bed annexe is subservient to the large manor house and is in an isolated position.

3.03 If granted the holiday let shall remain as an ancillary function of the host dwelling and shall not be operated independently from the planning unit associated with the property.

4.00 Relevant Planning History

[Listed Building Consent for the conversion of an existing store building to create annexe ancillary to main house.](#)

Hayes Manor Farm Viney Hill Lydney Gloucestershire GL15 4LT
Ref. No: P1439/14/LBC | Received: Wed 03 Sep 2014 | Validated: Thu 04 Sep 20 14 | Status: Consent

[Conversion of existing store building to create annexe ancillary to main house.](#)

Hayes Manor Farm Viney Hill Lydney Gloucestershire GL15 4LT
Ref. No: P1438/14/FUL | Received: Wed 03 Sep 2014 | Validated: Thu 04 Sep 20 14 | Status: Consent

(Note: Postcode on previous applications are incorrect, it should be GL15 4LY).

4.01 The outbuilding was granted Listed Building and Full Planning consent (**P1438/14/FUL**) for conversion in 2014. As part of the Full Planning consent condition 3 states:

The annexe hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the existing property,

Hayes Manor Farm, as a dwelling and shall not be occupied as an independent planning unit of residential accommodation.

4.02 The converted building was utilised by the previous owners of the property as occasional accommodation for family members and occasional use as a holiday let without informing the LDC of the change in use. This resulted in a 'breach of condition' enforcement letter dated 5th November 2018 ref: EN/0308/18. (See appendix A).

4.03 The current owners instructed HFWJ Surveyors to write to the LDC seeking clarification regarding their intention to offer the one bed, self-contained annexe for holiday letting purposes. Letter dated 10th January 2024 our Ref: 5045/AWJ. (see appendix B).

4.04 An email reply was received from the planning enforcement FoDDC reproduced below outlining the need for the change of use application.

From: "Planning Enforcement (FODDC)" <Planning.Enforcement@fdean.gov.uk>
Date: 15 February 2024 at 12:47:53 GMT+1
To: Allan Williams-Jones <Allan@hfwjsurveyors.com>
Subject: RE: Hayes Manor Farm - Holiday let enquiry update on enforcement ((EN/0308/18))

Good morning,

Thank you for your email.

Further to discussing this matter with members of the enforcement team and doing further research into this case, it is concluded that the use of the building had been an unlawful holiday let in the past. However, it was confirmed that this (unauthorised holiday use) had ceased and the building was being used as ancillary accommodation to the dwelling house in August 2021.

Taking this into consideration, a planning application to change the use to holiday let would now be required.

Kind regards

James Hunt
Enforcement Technician

5.00 Policy Considerations and Interpretations

5.01 The relevant policy documents for consideration are as follows:

National Planning Policy Framework (NPPF)
Planning Practice Guidance
Forest of Dean Adopted Core Strategy (February 2012)
Forest of Dean Allocations Plan (June 2018)

5.02 Paragraph 7 of the NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development at a very high level is summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.03 Paragraph 10 confirms that at the heart of the NPPF is a presumption in favour of sustainable development.

5.04 Paragraph 11 provides that for decision taking this means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.”

5.05 Paragraph 84 of the Framework suggests that planning should enable ‘the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings.’

Local Policy

5.06 The adopted Core Strategy is the principal document in the Local Plan for the Forest of Dean. The Allocations Plan must be read alongside the Core Strategy for the Forest of Dean.

5.07 Policy CSP.1 relates to the design and construction of new development and encourages all new development to take into consideration the important characteristics of the environment. All new development should also seek to demonstrate the efficient use of resources.

5.08 The converted annexe was originally built to provide high quality, sensitively designed annexe accommodation. The property has been well maintained and remains in good condition. However, a lack of use is beginning to cause deterioration in the building fabric. No internal or external alterations are proposed.

5.09 The use of the building as an annex and/or a holiday let would have no greater impact on the important characteristics of the environment.

5.10 The proposal is to utilise the existing building to provide a holiday let and annexe accommodation which is making efficient use of an existing sustainable resource.

5.11 It is considered that the proposal is in accordance with Policy CSP. 1 of the Core Strategy and Policy AP.4 of the Allocations Plan.

5.12 Policy CSP.7 of the Core Strategy states economic development will be promoted and goes on to state that this includes tourism. It is proposed that the annexe is to be made available for use as a holiday let to promote eco-tourism.

5.13 AP.1 – Sustainable development – This is the primary consideration for all development across the Forest of Dean with the aim of improving the environmental, social and economic conditions of the area. This application to allow the use as both a holiday cottage and as an annexe meets this overall aim by re-using an existing building. As it has previously been used for residential purposes this variation is considered to be sustainable.

5.14 Supplementary Planning Guidance in the Forest of Dean Residential Design Guide has been reviewed and as this property has previously been granted planning approval and occupied as an annexe, the property complies with design advice offered.

6.0 Conclusion

6.01 It is proposed to allow the annexe property to be used as a holiday let.

6.02 The principle of use as a residential annexe is already established through prior consent. This application is merely to allow the use of the annexe to the main dwelling for holiday use alongside the existing consent for ancillary residential use.

6.03 As with the earlier ancillary residential consent the occupancy could be conditioned to ensure the annexe was used solely for purposes ancillary to the occupation of Hayes Manor Farm and not as an independent dwelling.

6.04 Approval of this application would not give rise to an adverse impact on the local highway and would not have a material impact on the landscape, over and above what was determined to be the impact of the initial consent for the conversion.

6.05 There would be no harm to living conditions nor the character of the area, over and above what was determined to be the impact of the initial consent for the conversion.

6.06 The annexe is subservient in terms of size to the main residence, is located in the curtilage of the dwelling and the level of accommodation is considered appropriate for a self-contained holiday let.

6.07 We consider that the proposal is sustainable development in the context of the NPPF, NPPG, the Core Strategy and the Allocations Plan. We therefore contend that the change of use should be acceptable and granted.



Allan Williams-Jones Bsc, MA, MBA, Msc, MRICS
Huthwaite Freston Wright Ltd

March 20 24

Appendix A – Enforcement letter



Forest of Dean
— DISTRICT COUNCIL —

Forest of Dean District Council, High Street, Coleford, GL16 8HG
Telephone 01594 810 000
Visit the Council website at www.fdean.gov.uk

Mr. Graham Mitten
Hayes Manor
Viney Hill
Lydney
Gloucestershire
GL15 4LT

Contact: Mr. Kane Roberts
Direct Line: 01594 810000
Email: planning.enforcement@fdean.gov.uk
Our Ref: EN/0308/18
Your Ref:
Date: 5th November 2018

Dear Mr. Mitten,

Town & Country Planning Act 1990 (As Amended)
Location: The Annexe, Hayes Manor Farm, Viney Hill

I am writing further to our meeting at your property in relation to a complaint received over a breach of condition 3 of planning permission P1438/14/FUL (copy enclosed).

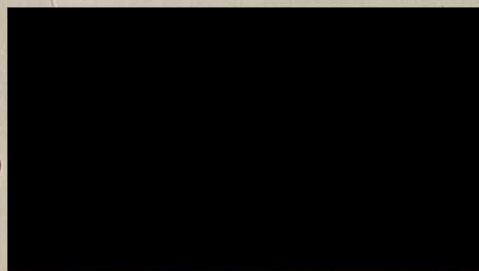
Following our meeting at your property on 27th September 2018, it was found that a breach of planning control has occurred due to the use of the annexe as a holiday let.

In order to regularise this breach please ensure that you have, **within 28 days** from the date of this letter:

- Ceased the use of the annexe as a holiday let and returned it to a use solely for purposes ancillary to the host dwelling; or
- Submitted a retrospective planning application in an attempt to retain the current use of the building.

Details and advice for the submission of a planning application can be found at the Council's website: <https://www.fdean.gov.uk/>.

Please be aware that as the use of the building is unauthorised there is the risk of enforcement action should the matter not be regularised; we hope that with your cooperation this will not be necessary.



Appendix B – Client letter request for information

Mr. Kane Roberts

planning.enforcement@fdean.gov.uk

Our Ref: 5405/AWJ

10th January 2024

Dear Mr. Roberts (To who it may concern),

I have been instructed by the current owner of Hayes Manor Farm, Sarah Hewitt, to seek planning clarity regarding their intension to offer a one bed, self-contained annexe located on their property for holiday letting purposes. The annexe was given planning consent in September 2014 **P1439/14/FUL** and was, at the time of its refurbishment, in constant use by members of the previous owner's family.

As part of the planning consent condition No.3 stated,

"The annexe hereby permitted shall be used solely for purposes ancillary to the occupation and enjoyment of the existing property, Hayes Manor Farm, as a dwelling and shall not be occupied as an independent planning unit of residential accommodation."

Reason: To preclude the establishment of a separate residential unit on the site having regard to Core Strategy Policy CSP.5.

This condition is understood to mean that the self-contained annexe cannot be part of any future proposal to sub-divide the dwellings. There are no conditions within the approval notice restricting the use of the annexe to a family member only and no conditions specifically prohibiting the use of the annexe as a holiday let.

In November 2018 an enforcement notice (**EN/0308/18**) was served on the previous owners following a complaint that they were using the property as a holiday let following a change in the previous owner's living arrangements. This enforcement notice implied that a breach of planning conditions had occurred because of the use of the annexe and, on occasion the main dwelling, as a holiday let, and that retrospective planning was required.

It is our contention that our client's use of the otherwise redundant annexe as a holiday let will not constitute a breach of planning conditions imposed by the original decision notice, as the proposed use of the annexe does not materially change the character and use of the property as a whole.

In the Town and County Planning Act (1990) s. 57 development is broadly defined in the act and expressly includes that a material change in the permitted use of land constitutes development and the need for planning permission. Therefore, permissible uses by my client of their property may incorporate a variety of sub-uses (incidental or ancillary) without the need for planning permission, so long as the 'fact and degree' of that change is negligible.

Numerous examples of case law have determined whether the use by a homeowner of their property or part of their property as a holiday let requires planning intervention. On all occasions, assessment is made by comparing the character of the alleged unlawfully changed use with the previous lawful use and if this change is 'material'. *Lewis v SSE (1971)* found that materiality must be assessed in planning terms, having regard to the possible effect of any change on local amenity. A change is not material if it is negligible. Therefore, whether or not a change of use is material is a question of 'fact and degree.'

Sheila Moore v Secretary of State for Communities and Local Government and Others (2012) confirmed the principle of whether the use of a dwelling house for commercial letting as a holiday accommodation amounts to a material change of use will be a question of fact and degree... and the answer will depend upon the characteristics of the use as holiday accommodation.

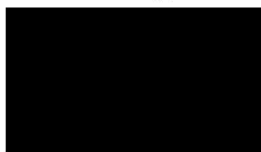
My client acquired the property in June 2021 some years after the issuance of the 2018 enforcement notice. Due to the current situation of my client's occupation of the property, the annexe is currently unheated and underutilised. The intensity of the current use of the property is materially less than it was shortly following the annexe's refurbishment.

In our current cost of living crisis my client wishes to bolster her domestic income from the property by utilising the annexe as low cost accommodation to support local eco-tourism. My client and her family will continue to live in the main house as their primary residence. The one bed annexe is subservient to the large manor house and is in an isolated position.

Due to the size of the one bed holiday let, its isolated position, the number of guests possible at any one-time, negligible transport and servicing impacts we contend that based on the proposed described usage, such usage should not be considered as an intensification of the use of the property. That in 'fact and degree' the property, as a whole, will remain in primary residential use thereby negating the need for planning consent.

Based on the presented arguments we look forward to understanding FoDDC's position on a homeowner's ability to utilise their property to increase domestic income where local effects are negligible.

Yours sincerely,



Allan Williams-Jones MA, MBA, MSc, MRICS

Director For and on behalf Huthwaite Freston Williams-Jones Ltd

Appendix C – Flood Map

