

ROY CURNOW PLANNING
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My Ref. 17/52
Your Ref. PP-05812678

PROPOSED LIFTING OF CONDITION 10 (HOLIDAY OCCUPANCY) ATTACHED
TO PLANNING PERMISSION AL/92/08

EASTER COTTAGE, OLD DAIRY LANE, NORTON

STATEMENT IN SUPORT OF THE APPLICATION BY SIMON CHAPMAN

Introduction

Roy Curnow Planning has been instructed by Simon Chapman to prepare and submit this application for the lifting of a holiday occupancy condition attached to planning permission AL/72/12. The development permitted by the decision was the 'Conversion from storage in relation to tourist accommodation to 1 no tourist accommodation unit together with provision of ancillary car port'. Condition 6 requires the unit to be used for tourist accommodation use and reads as follows:

"Notwithstanding the provisions of Part C, Class C3 Dwelling House to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order, without the prior permission of the Local Planning Authority. The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year."

The reason for the condition is as follows:

"The site is located outside the settlement boundary where the provision of dwellings is only acceptable if justified on agricultural grounds or are required for a purpose for which a countryside location is necessary."

Planning History

The planning history of the complex at Norton Farm, which includes Easter Cottage, is fairly complex. However, not all of the applications that were made there are directly relevant to this proposal, so only those which are will be referred to here.

AL/92/08

Re-use of redundant farm buildings for mixed use development – B1 offices, residential dwellings and tourist accommodation units – Conditionally approved

AL/26/14/PL

Lifting of holiday conditions on 5 no units at Norton Farm - Refused

Appeal: APP/C3810/W/15/3005380

Lifting of holiday conditions on 5 no units at Norton Farm – Appeal Dismissed

AL/8/17/PL

Continuance of use without compliance with condition 6 imposed under AL/72/12/ relating to holiday occupancy, (The Old Stables, Od Dairy Lane, Norton) - Approved

Case for Lifting the Condition

In 2015 a group of people lodged what might be termed a ‘class action’ appeal against the decision of the Council to refuse permission for the lifting of the holiday occupancy condition that affects a number of units on the complex of buildings at Norton Farm. That appeal was dismissed for various reasons, including the lack of marketing of the units for holiday purposes.

Simon Chapman followed the guidance that was provided in the Inspector’s decision letter, and has marketed Easter Cottage to assess demand for its use as a holiday letting unit. He has followed with interest, the travails of Frances Newman with regards to her attempts to lift the same condition from The Old Stables at Norton. Having had, as will be demonstrated, very little interest in his property, (in the same manner as Frances Newman), he was heartened by the Council’s decision to lift the condition from that unit. He is aware of the guidance given to Ms Newman by the case officer, in the period between the appeal and her making the second and successful application, and has followed this, too.

The tests as to whether a condition should be imposed or, as here, retained are set out in paragraph 206 of the NPPF. These tests are that the condition should be:

- Necessary
- Relevant to planning
- Relevant to the development
- Enforceable
- Precise
- Reasonable in all other respects

The statutory approach to the determination of planning applications is set out in S38 (6) of the Planning and Compulsory Purchase Act 2004:

“If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

The development plan is in something of a state of flux. The Arun District Local Plan 2003 (DLP) remains the statutory document. However, the Arun Local Plan 2011-2031 (LP) has reached an advanced stage and, therefore, attracts significant weight. Additionally, reference has to be made to the terms of the Aldingbourne Neighbourhood Development Plan 2014-2034 (NP).

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Easter Cottage, Norton Farm, Norton, Aldingbourne

Given that the LP has yet to be formally adopted, it seems likely that at the present time the Council is unable to demonstrate a 5-year supply of housing land.

Arun District Local Plan 2003 (DLP)

From the decision-making process on the application at The Old Stables, the following policies from the DLP are relevant here:

GEN3 - sets out that development proposals outside development boundaries – as here – are generally unacceptable, unless the proposal was within a certain category, or is otherwise in accordance with a LP policy that refers to a specific use.

DEV2 – relates to the conversion of rural buildings to residential use and contains 5 criteria. Criterion (i) provides support to an application to lift a holiday condition, where:

“it has been demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and the application must be supported by a statement of the efforts which have been made”.

Arun Local Plan 2011-2031 (with Modifications) (LP)

Of greatest relevance, here, is Policy TOU DM1, ‘Tourism Related Development’. Amongst other things, its Part (a) relates to the change of use of properties used for tourism to other uses; it includes:

“existing visitor attractions, facilities and accommodation (except holiday caravan sites), will only be granted planning permission for a change of use that continues a visitor offer unless: it is demonstrated that the use is no longer required and is unlikely to be reused or redeveloped for visitor purposes. This will include a clear demonstration of marketing, viability appraisal and the suitability of the site to accommodate the alternative use - using a methodology agreed by the District Council at pre-application advice stage. The Council will require evidence that the site has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative visitor uses have been fully explored.”

The time period for the marketing of a property is not set out in the LP, nor is the methodology. However, Simon Chapman is able to use the pre-app advice given to Frances Newman on these matters, as well as the manner in which her application was assessed. As that proved to be appropriate for her scheme, there seems little reason why this should not be the case here.

Therefore, it is for Simon Chapman to show that he has marketed the property and that this marketing demonstrates that there is no demand for the holiday let and, therefore, the condition should be lifted. Attached as **Appendices** are details of the marketing of the property, which has been carried out since October 2016 – more than 12 months before the date of this application. This has been undertaken using Homeaway, Holiday Lettings (tripadvisor) and Airbnb. These show that there is little interest in the property, and what interest there is does not translate into bookings.

This is no great surprise, as this was the picture that arose from the application by Frances Newman. It merely underlines the difficulties in running a holiday let in this location. What this demonstrates is that the retention of the condition is unjustified, as there is simply no demand for the accommodation on offer.

Conclusions

Thus, it has been demonstrated that the property has been marketed for a period in excess of that which the Council required. However, this led to limited interest and no uptake.

In the light of this, Simon Chapman has followed the guidance previously given by the planners and has demonstrated that the holiday unit is simply not viable and that its loss would have no ill-effects on the local tourism industry. Therefore, the retention of the condition would not accord with the guidance on conditions, set out in paragraph 206 of the NPPF, and the proposal accords with the terms of DLP Policies DEV2 and GEN3 and LP Policy TOU DM1.

Roy Curnow Planning, November 2017