

ROY CURNOW PLANNING
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My Ref. 15/61
Your Ref. PP-04529798

**PROPOSED LIFTING OF CONDITION ATTACHED TO PLANNING PERMISSION
(USE OF THE OLD STABLES FOR HOLIDAY ACCOMMODATION)**

THE OLD STABLES, NORTON FARM, ALDINGBOURNE, PO20 3AF

STATEMENT IN SUPORT OF THE APPLICATION BY FRANCES NEWMAN

Introduction

Roy Curnow Planning has been instructed by Frances Newman to prepare and submit her application to lift condition 6 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 land at Norton Farm, which includes the Old Stables, 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/93/15/PL

'Lifting of condition 6 attached to AL/72/12' – Refused for the following reason:

"The change of use of the existing tourism/holiday unit to an unrestricted C3 residential use, would (a) in the absence of sufficient evidence to show that the properties have been unsuccessfully marketed for tourism (rental) accommodation, and (b) the fact that the proposal is not a subordinate part of a larger scheme for business re-use, be contrary to the National Planning Policy Framework (paragraph 28), Arun District Council Local Plan policies DEV2(i) & GEN3 and Policies TOU DM1 & H DM3 of the Arun Local Plan 2011 - 2031 (Publication Version), and would adversely impact the tourism offer of the district."

Case for Lifting the Condition

Following the refusal of her 2015 application, and noting the guidance provided in the Inspector's decision letter, (in the 2015 appeal), Frances Newman spoke with the case officer, Simon Davis, to determine what the Council would require to support a successful application for the lifting of the holiday occupancy condition. This application has been made in the light of the comments that she received.

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 previous application was broadly based on two lines of reasoning: that the Council's could not demonstrate a 5-year housing supply; and that the lifting of the condition would accord with the terms of Policies GEN3 and DEV2 of the Arun Local Plan 2003 (LP).

It would appear that the Council is still unable to demonstrate that it has a 5-year supply; however, it is noted that the Aldingborough Neighbourhood Plan has been incorporated into the development plan, as are the changes this brings.

This application seeks to address the shortcomings that were identified by the Council, in the Officer's report and decision notice for AL/93/15/PL.

These identified that LP Policy 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.

In this regard, reference had been made by Frances Newman to LP Policy DEV2, which she felt supported her proposal. Policy DEV2 sets out 5 criteria that proposals have to accord with. The Council accepted that her scheme was in accordance with criteria 2-5; however, it was felt that it failed when assessed against the terms of criteria 1. This is sub-divided into two areas: it requires that evidence be submitted to demonstrate that reasonable attempts have been made to market and use the premises for a business purposes; or that residential conversions are a subordinate part of a scheme for a business re-use.

The Council's position was that Frances Newman's case was based, in this regard, on the latter area and that this was not persuasive. It felt that residential use on the site was addressed in application AL/92/08 using this policy and could not be used again. Furthermore, it did not feel that the lack of a 5-year supply of housing outweighed the factors that mitigated against her proposal.

Frances Newman could have appealed against this decision, but chose to try to work with the Council in an attempt to lift the condition. To this end, she liaised with the case officer to find a way forward; Simon Davis provided guidance on the evidence that would be required.

Mr Davis advised that at least 6 months' evidence of the marketing of the property would be required. As a result, Frances Newman began advertising the property on Airbnb in February 2016. This has been advertised at a rate of £85 per night, with discounts for weekly – or longer – stays. This reflects the standard of accommodation she offers and the position of the property – in a very pleasant position close to the coast, yet within easy reach of Arundel, Chichester and Goodwood, (amongst others).

Attached, as **Appendix 1** is the history of interest that has been shown in the property since it went 'live' on Airbnb on the 11th February 2016. As will be seen, there has been interest in the property, but none that was either: followed through; or was in accordance with the terms of the planning permission.

This demonstrates 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, and at an appropriate price. However, this led to limited interest and no uptake.

In the light of this, Frances Newman has followed the guidance of the planning officer 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 LP Policies DEV2 and GEN3.

Roy Curnow Planning, January 2017

APPENDIX 1

The Old Stables

Live on Airbnb February 11 2016.

February 2016 - 16 Views -0 Requests-0 Bookings

March 2016 - 14 Views-0 Requests-0 Bookings

April 2016 - 25 Views-0 Requests-0 Bookings

May 2016 - 34 Views-0 Requests-0 Bookings

June 2016 - 48 Views-0 Requests-0 Bookings

July 2016 - 52 Views-0 Requests-0 Bookings

August 2016 - 51 Views-0 Requests-0 Bookings

September 2016 - 21 Views-0 Requests-0 Bookings

October 2016 - 6 Views-0 Requests-0 Bookings

Sleeping up to 3 persons - 2 bedrooms

Length of stay min. 5 nights - max. 27 nights up to 6 months in advance. Need 1 day's notice and block 1 night before and after each reservation.

Pricing £85 a night (min. 5 nights) discounts 5% weekly stay or 20% for the 27 days.

4 enquiries

All for people working in the area nothing for tourism

1x long term booking 6 months min.

1x month but wanted it next to nothing.

1x 11 nights

1x 5 nights