



PLANNING STATEMENT

The Hermitage



JANUARY 1, 2025

The Hermitage

Site Address: -

The Hermitage

Froghall Road

Froghall

Staffordshire

ST10 2HQ

Applicant: -

Mr Christopher Cooke

Details of the application

To remove condition 1 of SMD/2004/0970 entirely

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1. The Appeal Site

- 1.1 The application site comprises a grade two listed traditional stone barn conversion and is in the open countryside between Froghall to the south and Ipstones to the north and is on the west side of B5053 main road (Froghall Road). It comprises a row of holiday cottages on a former farm complex accessed off Froghall Road. The farmhouse to the south, is also listed. The farm buildings, including storage buildings, lie to the north. The site is surrounded by open land and is within the Churnet Valley.
- 1.2 The site has the following planning history of relevance to the proposal: -
- SMD/1999/0201 – Change of use of redundant listed agricultural building to residential use. Approved.
 - SMD/1999/0241 – Listed building consent for change of use of redundant agricultural building to residential use. Approved.
 - SMD/1999/0255 – Listed building consent in respect of change of use / conversion of redundant agricultural building to form dwelling. Approved.
 - SMD/1999/0944 (formerly SM99-0224) – Conversion of barn to holiday accommodation. Approved.
 - SMD/1999/0945 – Listed building consent in respect of conversion of barn to form holiday accommodation. Approved.
 - SMD/2004/0970 – Removal of condition 2 of planning permission SM99-0224 and replaced by “Premises to be used for short stay holiday accommodation during March to September and for extended periods during October to March. Approved.
 - SMD/2019/0390 – Listed building consent for the insertion of six doorways on the rear (north) elevation, including reinstatement of three former (blocked up) openings; removal and/or re-positioning of internal partition walls on ground floor. Refused.
 - SMD/2019/0391 – Application to remove condition 1 of 04/01361/FUL (SMD/2004/0970). Refused.
 - SMD/2022/0312 – Listed building consent for replacement windows with historically accurate wooden double-glazed units. Approved.
 - SMD/2022/0469 – Demolition of a poultry unit and the erection of a holiday unit ancillary to Hermitage Farm. Refused.
 - SMD/2024/0321 – Application for removal or variation of condition 3 in relation to application SM92-1066. Triage
- 1.3 A revised Heritage Statement was submitted and met with the satisfaction of the Conservation Officer.
- 1.4 The barn is currently occupied, by residents on a short-term rental agreement which was offered to them and is in alignment with the current condition applied to the property. Should any of these tenants wish to remain beyond this period, the applicant has no legal means to evict them.

2. Purpose of the application

2.1 The application was made to seek to remove condition 1 of SMD/2004/0970 entirely to initially allow for indeterminate rental of the dwellings. The application does not seek any change to the layout or look of the property in any way. The application is attached in the appendices (Attachment 1).

2.2 Specifically, the condition that is currently in effect states: -

Condition 1: The premises shall be used for short-stay accommodation not exceeding 4 weeks at any one time except during the period 1st October to 31st March when it may be used for Class C3 (dwellinghouses) of the Town and Country Planning Use Classes Order, 1987 as long as no occupancy exceeds 3 months of any 12 month period. A register of such occupants including details of duration of stay will be kept and made available for inspection by the Local Planning Authority, if requested.

2.3 This condition replaced the original condition applied under SM99-0224, that stated: -

- *The premises shall be used for short term holiday accommodation not exceeding four weeks at any on time and for no other purpose including any purpose in Class C3 (dwelling houses) of the Town and Country Planning Use Classes Order 1987.*

2.4 This change to a C3 dwelling house was allowed in order to ensure a viable future for the heritage asset. The planning officers delegated report in support of this change is attached in the appendices (Attachment 2).

2.5 Originally, the purpose of the application sought to remove the condition and thus allow longer term rental of the accommodation that would also align to Housing legislation which it is noted is being updated this year in favour of tenants. The current condition as above is contrary to housing legislation and the upcoming changes to housing legislation further exacerbate this issue.

2.6 The initial reason the applicant offered longer term rental is given in the application forms as, "the self-catering holiday accommodation at the farm is not profitable. There has been a massive increase in this type of accommodation mainly due services such as to booking.com and Air BnB. The high overheads of this type of accommodation means that we cannot compete. At the same time there is a huge shortage of affordable rental accommodation in this area, and we believe our property would be suitable to help fill this gap. Also, the policy which lead to this condition being set is no longer a Council policy".

2.7 Initially, the applicant offered the accommodation to the market for short term rental in December of 2023 and was successful in gaining tenants from January 2024. The occupants were offered a short-term tenancy agreement for a period of three months, in line with the condition (noted above) applied to

the property, and that at the end of this period the occupants would then need to seek new accommodation.

- 2.8 An issue was then experienced by the applicant who sought to repossess the accommodation from a tenant at the end of the three-month period. The tenant made it clear that they did not wish to vacate the property and sought advice from the housing department at the local authority.
- 2.9 The legality of the repossession process was brought under question. A local housing officer spoke to both the applicant and the tenant. The housing officer confirmed that a valid cause to end a tenancy would be required and that this situation suggested a “no-fault eviction” which could not be raised. The principle of this conversation was followed up by an email from the planning office to the applicant. The email is attached in the appendices (Attachment 3).
- 2.10 The housing officer informed the applicant that in general, where a dwelling is attached in exchange for rent, a tenancy is created which is governed by the Housing Act 1988 and it is important to note that regardless of any clauses to the contrary in the agreement the tenant would need to be given a Section 21 Notice to end the tenancy.
- 2.11 The scenario described above created a conflict between the housing law (requiring a minimum six-month period) and the condition applied to the accommodation by the planning process (requiring a maximum 3-month period).
- 2.12 Ultimately, a tenant can seek to remain in the accommodation longer than three months and for an indefinite period as per the housing law. It is now the governments’ intention to ban no fault evictions, and renters will receive greater protections and security from eviction thanks to historic legislation to level the playing field between tenants and landlords.
- 2.13 Given the scenario described above, the applicant sought further advice to formally align the accommodation to the housing law. The first action was to seek to remove the condition applied to the property to allow for longer term tenancies as short term (3 months) could not be legally enforced.
- 2.14 Primarily preplanning advice was sought from Staffordshire Moorlands Planning office by the applicant and was informed that: -
- The policy which led to this condition being set is no longer a Council policy, therefore we would most likely not object to this condition being removed.
 - You will need to submit an application via the planning portal to remove the condition.

This information is attached in the appendices (Attachment 4).

- 2.15 The important point to note is the comment “The policy which lead to this condition being set is no longer a Council policy, therefore we would most likely not object to this condition being removed”. This was a substantial factor in raising the application.
- 2.16 This conversation was followed up by email for confirmation. The confirmation email is attached in the appendices (Attachment 4). Based on this advice the applicant submitted the planning application not expecting any challenges.
- 2.17 Further communication between the planning office and the applicant took place in support of the application process, prior to submission of the application.
- 2.18 Following further discussion with the planning office some minor changes to the original application were made and the application was re submitted.
- 2.19 Upon submission of the application the applicant received further reassurance by email from the planning office the comment noted “we should be able to go ahead and proceed with a positive decision for the application”. The email is attached in the appendices (Attachment 5).
- 2.20 Following all the above positive comments with regard to the application, on the 21st of August the applicant was notified that the application would be recommended for refusal. This was then challenged by the applicant and the application was put forward to the planning committee at a meeting held on the 17th of October 2024.
- 2.21 The Council and its Committee refused the application for four reasons, which can be summarised as follows: -
1. The site is located in an unsustainable location for housing.
 2. The proposal would result in the loss of tourist accommodation.
 3. No information or plans have been submitted by the applicant to demonstrate that the proposed new dwellings would provide adequate amenity space for residents.
 4. A clear conflict has been identified between the proposal and the description of the original permitted development and the mixed-use granted later.

3. Viability of the listed property as holiday rentals

The property is a grade 2 listed building and therefore the council has a responsibility to support the applicant in finding a viable use for the building. Holiday accommodation is simply not a viable use.

- 3.1 Despite extensive investment, modernisation and advertising, the self-catering holiday accommodation at the Hermitage have proven to be not profitable and this sole reason led the applicant to revise the financial position of the business.

- 3.2 Market research identified that there had been a massive increase in this type of accommodation mainly due to booking.com and Air BnB.
- 3.3 The high overheads of this type of accommodation means that the applicant can not compete. At the same time there is a huge shortage of affordable accommodation in this area. The applicant is led to believe by that the barn would be suitable to help fill this gap. Whilst noting, the policy which led to the occupancy condition being set is no longer a Council policy and would not be applied in the current climate.
- 3.4 The accounts for the years 2021-22, 2022-23 and 2023-24 are attached in the appendices (Attachment 6,7 and 8 respectively). Demonstrating a loss to the applicant in the years 2021-22 and 2022-23. There was a nominal profit made in the accounting year ending March 31st2024 due to the change to offer short stay housing, instead of holiday accommodation. This supports the fact that it is no longer viable to offer the properties for holiday accommodation.
- 3.5 It is also noted that the previous owner was not able to make the business profitable.
- 3.6 There are a number of other examples in the area where this type of business has proven to be non-viable (most notably Rock House farm details of which are attached in the appendices (Attachment 9)
- 3.7 Viability of similar holiday lets is addressed by the planning officer in SMD/2022/0656 Alderlee Farm Meerbrook (Attachment 11) where he states “It should also be noted that the refusal of a change of use from holiday lets could lead to the continued operation of an unviable business, leading the business to fold and the buildings become vacant in the long term, resulting in them being unmaintained in the long run to the detriment of their character and appearance and heritage value”. This is exactly relevant to our situation.

4. Reason for Refusal

- 4.1 The Council and its Committee refused the application for four reasons, which can be summarised as follows: -
 - 1. The site is located in an unsustainable location for housing.
 - 2. The proposal would result in the loss of tourist accommodation.
 - 3. No information or plans have been submitted by the applicant to demonstrate that the proposed new dwellings would provide adequate amenity space for residents.
 - 4. A clear conflict has been identified between the proposal and the description of the original permitted development and the mixed-use granted later.
- 4.2 The applicant has addressed each of these points in the statement of case for consideration by the Planning Inspectorate.

4.3 The planning inspectorate are asked to review previous approved decisions of both the local planning authority and the planning inspectorate as these are relevant to this appeal. The previous are stated below and are attached in the appendices at (Attachment 9,10,11)

- **SMD/2017/0764– Rock House Farm,**
- **SMD/2016/0770 - The Lodge, Mill Road, Oakamoor**
- **SMD/2022/0656 – Alderlee Farm, Meerbrook**

5. Statement of Case

This Statement of case is submitted in support of the planning application for removal of a condition restricting the use of a former barn to holiday use only, to enable the cottages to be used as dwellings.

Reason 1 – Sustainability

Taken from SMDC Decision notice 18.10.2024

The site is located in an unsustainable location for housing. Public transport links are very limited in this rural location. There would be a large degree of reliance on the private car as the primary means of transport to access day to day services and facilities. Thus, the provision of housing at the site is contrary to spatial policies SS9, SS10, H1, SS1 and also Policy T1 of the Staffordshire Moorlands Local Plan and the NPPF

- 5.1 The crux of the Council's first reason for refusal is that given the relatively limited range of public transport links in the rural location and there would be a large degree of reliance on the private car as the primary means of transport to access day to day services and facilities.
- 5.2 With regards to additional car journeys the planning officer states in SMD/2022/0656 Alderlee Farm Meerbrook (Attachment 11) "However, in comparison with the current use of the site as three holiday lets, the change of use to three dwellings would not lead to a significant difference in traffic generated". Again, this is directly relevant to our situation
- 5.3 Although Froghall/Ipstones contains a limited range of services, including a primary school, convenience store, post office and public houses, it is accepted that trips to larger settlements are likely to be necessary to obtain the goods and services required for day-to-day life. As is often the case in rural areas, the private car presents the most convenient and attractive mode of transport for such trips.
- 5.4 However, the lawful use of the existing building must be factored into any assessment of the sustainability of the site's location. The use of the building as a dwelling is not considered to be any less sustainable in environmental

terms than the short-term residential use associated with holiday accommodation. It is unusual for holidaymakers to remain in their accommodation for the duration of their visit. It is considered likely that they would commute to local attractions such as Alton Towers and the Peak District, as well as public houses and restaurants in nearby villages. In this location they would be dependent upon on the private car to achieve this. It is therefore considered that resuming the authorised use of the building as a holiday accommodation would generate a larger number of trips by private car when compared to a permanent residential use, and as such that a permanent residential use is more sustainable in environmental terms. An argument supported both by an inspector in SMD/2016/0770 - The Lodge, Mill Road, Oakamoor and by the planning department themselves in support of the application for SMD/2017/0764 – Rock House Farm.

- 5.5 Furthermore, the concept of environmental sustainability encompasses a wider range of considerations than location. The proposals involve the use of an existing and under-utilised resource to help address the shortfall in housing across the district. The application does not involve any change to the building nor its surroundings and would not result in any change to a listed building in this respect, the proposal is more sustainable than a new-build dwelling.
- 5.6 This approach is reflected in national policy set out in Paragraph 55 of the NPPF. This allows the creation of new dwellings through the re-use redundant or disused buildings where it would lead to an enhancement to their immediate setting, even when this would result in 'isolated new homes in the countryside'. The appeal site is not isolated, being adjoined by an existing residential property and forming part of the dispersed southern fringe of Ipstones and to the north of Froghall and is on the west side of B5053.
- 5.7 It could be argued that the site lies within walking distance of the village school, church and public house, being located on a public footpath and the distance is 1 mile away. The Council considers that the absence of footpaths and street lighting present a barrier to walking into the village. However, there is a footpath and streetlighting along the B5053, it is lightly trafficked and frequently used by walkers between the village and the public footpath. The Churnet Valley is popular with walkers, and it is not uncommon to encounter them along the rural highway network in this locality. It is not considered that in these specific circumstances the lack of a paved footpath would discourage future occupants of the appeal site from walking the short distance to the village centre. And indeed, the current tenants enjoy the footpath to the village centre and its amenities.
- 5.8 It is noted that several applications in the local area have been granted permission for the removal of the condition referred to in this application, for similar if not the same reasons as the application in question. Most notably: -
- **SMD/2017/0764– Rock House Farm**, less than one mile to the North and near identical to The Hermitage in all circumstances. This was granted approval for removal of a similar condition (it did not have a 3 month off season condition).

- **Ref SMD/2016/0770 - The Lodge, Mill Road, Oakamoor** – was granted planning permission by appeal for the change of use of a bunk barn to a dwelling at The Lodge.
- **SMD/2022/0656 – Alderlee Farm, Meerbrook** granted planning permission for the change of use from holiday lets to dwelling houses on a site within the rural area of the Staffordshire Moorlands, in a location far less sustainable than the application site in this appeal.

5.9 The conclusions of the Local Authority in their assessment of the above applications have been taken into consideration in the preparation of this appeal and the inspectorate is asked to consider these as part of this appeal.

Reason 2 – Loss of Tourism

Taken from SMDC Decision notice 18.10.2024

The proposal would result in the loss of tourist accommodation for which there is a need within the District and is therefore contrary to policies E4, SS10 and SS11 of the Staffordshire Moorlands Local Plan as well as the 'Tourism Strategy for Staffordshire Moorlands 2022-2027 and the Churnet Valley Masterplan SPD which encourage tourist development in the Churnet Valley in the interests of the local rural economy,

5.10 It is recognised that the proposal will involve the loss of existing units of holiday accommodation. However, the existing use is simply no longer viable and cannot be maintained therefore the loss will be present regardless of the decision.

5.11 The essence of the applicant's case is that the business is not viable and that the need for housing in the village and District is greater than the need for holiday accommodation. Furthermore, the applicant has made the following comments: Policy H1 Section 5d clearly states: "The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Allowing long term rentals where required is the only viable use of this Heritage asset as neither us nor the previous owners have been able to make a viable business from Holiday accommodation and comprehensive accounts are provided in support of this. Market research was used to prove there is a massive oversupply of Holiday accommodation in the area now, due to the rise of services such as AirBNB and Booking.com. These properties do not have the overheads associated with the applicant's business and this is why it is no longer viable. Further most of these new Holiday lets were previously long-term rents and this has exacerbated the issue of long-term rent supply.

5.12 The audited accounts for the business for the last three were submitted to the council for consideration of the viability issues. The accounting years ending March 31st2022 and 2023 show a net loss and the year ending March 31st

March 2024 show a nominal net profit, owing to the change from Holiday accommodation to short term rental for the months January to March 2024 and the occupancy rate being 100%. Those figures are without any form of salary or wages being taken by the owners who do a large amount of the work required to maintain and facilitate the accommodation. This evidence is provided to support the application that holiday lets as a business is not profitable. The accounts are attached in the appendices (Attachment 6,7, and 8).

- 5.13 Overall, the occupancy rate for the last two years has been low, running at around 52% (2022) and (2023) respectively. The cottages showed no bookings for the period January 2023 to March 2023 and low bookings for the summer of 2023 school holiday period, a time when one would usually expect demand to be at its greatest. When coupled with spiralling heating and running costs, it is no longer considered to represent a financially viable business, at the time of making the decision to offer short term rental accommodation.
- 5.14 Advice from local chartered surveyors is that the local holiday market has changed in recent years and is still changing and that for a holiday cottage business to be viable it needs higher occupancy rates than those at the Hermitage. For this reason, the removal of these cottages from the holiday accommodation market is unlikely to have any adverse impact on tourism.
- 5.15 With regards to the loss of tourist accommodation in SMD/2022/0656 Alderlee Farm Meerbrook (Attachment 11) the planning officer states *“Policies SS10 and SS11 encourages development which assists with the rural economy and particularly in this location in the Churnet Valley, the tourism economy. The holiday lets are also just outside of the edge of the Peak District and so this proposal would be seen as being contrary to these aims. However, there is no part of the policies which aim to specifically protect holiday lets and prevent their change of use. Furthermore, the holiday lets are no longer deemed to be economically viable”*. Again, this is directly relevant to our appeal

Reason 3 – Amenity Space

Taken from SMDC Decision notice 18.10.2024

No information or plans have been submitted by the applicant to demonstrate that the proposed new dwellings would provide adequate amenity space for residents. Furthermore, it is considered that the completion of external landscaping works to provide adequate amenity space for a number of dwellings would be a detriment to the setting of the Listed building and would therefore be inappropriate, contrary to Policies DC1 and DC2 of the Staffordshire Moorlands Local Plan.

- 5.16 The information was not discussed when the original application was submitted and the applicant was not advised otherwise, because of the advice given by the planning office information regarding amenity space was not provided. However, as this is material to the refusal of the application the applicant would like the planning inspectorate to consider the important points made in the following paragraphs.

- 5.17 The application does not require nor propose any internal or external alterations to the existing building, nor any changes to its external layout. The site benefits from a large area of private amenity space to the front, which far exceeds the recommended minimum standard of sixty-five square metres as set out in the adopted Space About Dwellings standards. It is of particular note that the amenity space associated with the cottages is substantially more than that associated with the properties at Rock House farm, where the planning officer supported the application.
- 5.18 The application does not require nor propose any internal or external alterations to the existing building, nor any changes to its external layout. The site benefits from a large area of private amenity space to the front, which far exceeds the recommended minimum standard of sixty-five square metres as set out in the adopted Space About Dwellings standards.
- 5.19 The application will consequently derive no harm to the character and appearance of the surrounding area and will provide an acceptable level of residential amenity for future occupiers of the dwelling, in accordance with the objectives of policies SS1, H1 and DC1 of the Local Plan.
- 5.20 It is recognised that people who live somewhere permanently require external amenity space incidental to the enjoyment of the dwelling, unlike when they are on holiday. Amenity space is required by residents of dwellings for things such as parking, drying washing, gardening and play space.
- 5.21 The current permission allows year-round occupation of the buildings, and no changes are proposed in terms of additions to the buildings or alterations to windows and therefore implications and impact of changes to a listed building would be unchanged.
- 5.22 The lack of outdoor amenity space may have been a reason for the council to refuse the application. Nevertheless, it is clear that the grounds and gardens are in use as shared amenity space. There is a large area of amenity space to the surrounding the site which would provide adequate amenity space for the units.
- 5.23 There is a gravelled area to the front of the site that is used as a shared parking area, this is to the south of the barn and has adequate space for over 20 vehicles to be parked. This is currently utilised informally by the tenants. Upon successful removal of the restrictive occupancy condition two parking spaces per dwelling within the application site shall be provided and thereafter kept available unobstructed for the purposes of parking vehicles.
- 5.24 In review of the amenity space for the Alderlee Farm application the planning officer stated "There would be private garden areas for each of the units and although the space for the largest unit appears to be limited, the site is in the countryside and not an urban area where achieving adequate usable outdoor space is of greater importance". This is equally appropriate to this appeal.

5.25 With regards to amenity space in SMD/2022/0656 Alderlee Farm Meerbrook (Attachment 11) the planning officer states. *“The site is surrounded by open green fields, largely within the same property and which would compensate for any shortfall of private amenity/garden space in terms of overall living conditions”*. This is also true for this appeal.

5.26 The property is nestled withing a large garden area and grounds to a total of approximately three acres. Patio areas are in front of the holiday cottages which could be used for the future occupants of the units. This was not identified in the application to remove the condition as it was not specially required at the time of submitting the application not at the time of any subsequent discussions, Nor was it required for the Alderlee farm application.

Reason 4 - Conflict relating to the original permitted development

Taken from SMDC Decision notice 18.10.2024

A clear conflict has been identified between the proposal and the description of the original permitted development and the mixed-use granted later. The proposal would not be consistent with the description of the development previously approved. Therefore, granting permission to remove the restrictive occupancy condition would leave conflict with the description of the permission previously granted.

5.27 The applicant will not run a holiday accommodation business in the future as it is not viable, and should the property not be offered as a dwelling it will become vacant and likely fall into disrepair as it was when the applicant purchased it. It is contended that it would be unreasonable to insist that the holiday use continue and cannot be changed to another beneficial use because the business, despite extensive advertising and updating of facilities, has not made a profit after expenses were deducted in the last three years.

5.28 The building is suitable and worthy in physical, architectural and character terms for use as dwellings and has had substantial recent investment to make the properties more environmentally friendly. It is a good-looking, well-maintained traditional, stone building typical of much of the village and offering it as dwelling would ensure its retention and would make no difference to the appearance.

5.29 The contention that the proposed use conflicts with the original use is no longer true. The original use was amended to allow for use short term (3 month) use as C3 dwelling house as the planning officer recognised this was required for viable use of the property. “I consider there is justification in terms of securing different income sources to sustain this traditional building”. By the same rationale extending this period to indefinite is also required for viable use, and brings the use into line with current housing legislation

5.30 It is contended that this statement “Conflict relating to the original permitted development” is out of date and should be reconsidered along with the change in the housing and renters reform bill, particularly to abolish “no fault” evictions.

- 5.31 Holiday cottages fall into the same Use Class – C3 (Dwellinghouses) as open-market housing, the only difference is that with holiday cottages the use is restricted by condition limiting the length anyone can occupy the building.
- 5.32 The cottages contain all the facilities necessary for residential use. Outside there is a communal car park capable of taking up to 20 vehicles and the associated garden area to the west which has been used by guests and could be used by the occupants of the houses.
- 5.33 No internal or external alterations are required for the properties to be used as unencumbered dwelling houses. Removal of the condition would enable these houses to enter the housing stock immediately.

6 Other Material Considerations

- 6.1 The proposals attracted no objections from statutory consultees, and there are no technical issues preventing planning permission from being granted.
- 6.2 The National Planning Policy Framework (NPPF) published in March 2012 updated on 24 July 2018, 19 February 2019, 20 July 2021, 5 September 2023, 19 December 2023 and 12 December 2024, sets the government's planning policies for England and how these are expected to be applied. The applicant followed all advice provided by the council's planning office prior to submission of the application and at no point was it stated that there should be anything contrary to a positive decision for the application.
- 6.3 The planning inspectorate is asked to consider the pre-planning advice provided by the local planning office as this was the sole reason for the application. The National Planning Policy Framework (NPPF), section 4. Decision-making, sets out the process followed by the applicant specifically the section that describes the Pre application engagement and front loading and states: -

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and,

where relevant, with statutory and non-statutory consultees, before submitting their applications.

7 Conclusions

7.1 The submitted application constitutes a sustainable form of development having regard to the following conclusions: -

- **Sustainable**

The application: -

- Constitutes sustainable development which accords with the policies set out in the NPPF, in particular Paragraph 55. In accordance with the presumption in favour of sustainable development, it is therefore respectfully submitted that this appeal should be allowed.
- Will not result in any severe residual impacts to highway safety.
- Will not derive any material adverse impacts to the character and appearance of the surrounding area.
- The site occupies a sustainable location is accessible to day-to-day services and facilities on offer within the village and will be no less sustainable than the existing holiday cottage use of the building.

- **Tourism**

The application: -

- Does not resist the loss of tourist accommodation but observes that the Churnet Valley Masterplan also does not identify a particular need or demand for holiday accommodation in this area, as detailed in policy E3 (the main tourist development policy in the Core Strategy)
- If offered as a dwelling, the lawful use of this potentially vacant building would result in a greater number of trips to and from the site, and on that basis a permanent residential use is no less sustainable. This fallback position should be given significant weight in the determination of the appeal.

- **Amenity Space**

The application: -

- Will provide a good standard of residential amenity for future occupiers of the dwelling.
- Is set in large grounds and provides a large garden area and patio areas next to the accommodation which is used by current occupants and will be used by any future occupants. Although this area was not included in the application for the removal of the condition simply because it was not specified as to have been required at the time of the submission.
- The property is not a “new build” there are within the area and nationally numerous examples of historic dwellings that have similar shared amenity space and this is recognised as a reason for exception to this policy

- Amenity space is no less than that associated with the approved change of use at Rock House farm or Alderlee Farm
- **Conflict to the original development**
The application: -
 - The conversion of the rural buildings into holiday accommodation was approved in 1999 under the then Local Plan policies which prioritised commercial uses for vacant rural buildings. Currently, greater weight is attached to the requirements of The National Planning Policy Framework (NPPF)
 - Use of the property as a C3 dwelling house has already been approved in 2004 to support the viability of the heritage asset. Removal of the condition will only extend the period of the use and again support the viability of the heritage asset.
 - Uses an existing building as a dwellinghouse and is fully consistent with the Local Authority's adopted housing strategy for the district. The council needs to increase its housing supply by almost 100% (237 Houses build in 2023 and 454 required to be built this year). Although small this application this would make a noticeable difference.
 - Uses an existing building as a dwellinghouse and is fully consistent with the Local Authority's adopted housing strategy for the district.
 - Demonstrates that the occupancy restriction conflicts with the housing law, and the applicant requests for further clarity with regard to this as it is material to the application.
 - Will provide a good standard of residential amenity for future occupiers of the dwelling.
 - Will not result in any severe residual impacts to highway safety.

For the reasons described in this Planning Statement the Planning Inspectorate is asked to approve the application.

8 Appendix 1

The documents below are attached as evidential support for the application: -

Attachment 1 – Planning application as submitted



Attachment
1_Application.pdf

Attachment 2 – Planning officers delegated report



Attachment
2_Delegated report.

Attachment 3 – Email conversation with the Housing office



Attachment
3_Housing officer er

Attachment 4 – Email conversation with the Planning office



Attachment 4_Planning 13082024.msg

Attachment 5 – Email conversation with the Planning office



Attachment
5_Planning Appoint

Attachment 6 – Hermitage Farm Holiday Ltd accounts ending 31 March 2022



Attachment
6_Accounts_2022.pc

Attachment 7 – Hermitage Farm Holiday Ltd accounts ending 31 March 2023



Attachment
7_Accounts_2023.pc

Attachment 8 – Hermitage Farm Holiday Ltd accounts ending 31 March 2024



Attachment_8_Acco
unts_2024.pdf

Attachment 9 -- SMD/2017/0764 - Rock House Farm



Attachment_9_SMD
20170764 - Rock Ho

Attachment 10 – SMD/2016/0770 - The Lodge, Mill Road, Oakamoor



Attachment_10_The
Lodge_Oakamoor.p

Attachment 11 – SMD/2022/0656 – Alderlee Farm, Meerbrook



Attachment
_11_Alderlee Farm.p

