

Local Planning Authority Ref: SMD/2024/0272

The Planning Inspectorate Reference: APP/B3438/W/25/3358820

**Response to the
Statement of Case of Staffordshire Moorlands District Council**

Hi Cassandra,

Please find below our comments on the above statement of case

In Response to Section 3.2

We do not believe significant weight should be applied to the previous appeal APP/B3438/W/20/3253375.

That appeal was by a different appellant and associated with substantial physical changes that should not be conflated with our appeal, it was also seeking to vary the condition and not remove it.

A Section 73 application was used for exactly this purpose in **SMD/2017/0764– Rock House Farm.**

Further housing legislation has changed significantly since this judgement.

When the clause was amended in 2005 (SMD/2004/0970) the building became dwellings.

(“when it may be used for Class C3 (dwelling houses) of the Town and Country Planning Use Classes Order, 1987”).

Albeit with a limitation of 3 months which at the time was a legally enforceable period for a tenancy.

Under current legislation the minimum enforceable period for a tenancy is 6 months (And then only with certain conditions).

Under the Renter Reform Bill (2025) this changes so that no minimum period can be applied at all (if you rent it for 32 days you can rent it for life).

It seems the Council are trying to shut the stable door after the horse has bolted, there simply is no way this clause can be enforced under either the current or new legislation.

In Response to Section 3.7

We have made it clear in the original application that we intend to make no changes to the physical layout of the building so the number of units will remain as it is (four units) and the Council are fully aware of this. Further again I would ask that plans submitted by a different appellant for physical changes we would not be making are not material to this case.

In Response to Section 4.1.2

Appeal Ref: APP/B3438/W/19/3232886 is not a relevant example as claimed by the council and the exact same does not apply.

Our properties would not be isolated (there are already 3 other approved Class C properties at this location) .

There is public transport from the door of the properties via the on-demand Moorlands connect service

It is within walking distance via a public footpath to local facilities.

A truly comparable example is **SMD/2017/0764– Rock House Farm**, (which is visible from our property) and was approved for Daisy's Cottage, Main Road, Hollington SMD/2024/0517 which is in a far less sustainable location.

In Response to Section 4.2.3 and 4.2.4

The council is quoting figures from a report which is not in the public domain, this is wholly inappropriate as such figures cannot be verified or rationalised. This whole section should be ignored unless the council provides the actual report and the justification. This unpublished report goes entirely against its own figures in the **"Service Delivery Overview"** (published 11th September 2024) which states that there was a substantial 11% drop in visitor staying in this type of accommodation from 2022 - 2023

"Staying visitors in non- serviced accommodation down on 2022 by 11.3%"

This report also shows a drop in income and employment of this type of tourist accommodation and can be viewed on the Council's website.

In Response to Section 4.2.4

The council has no knowledge of our business whatsoever so draw conclusions as to why the business underperformed is wholly inappropriate and should be ignored, such conclusions have not been applied to any of the other failed holiday cottages

that have been allowed permission (such as **SMD/2017/0764– Rock House Farm**) where the owners figures were accepted.

Further as per the Response to Section 4.2.3 above and the 11% drop in staying visitors this clearly disprove the council's assertion that ***“The overall picture for holiday accommodation is healthy”***

In section 4.1.2 The Council concedes some applications in the local area have been granted permission for the removal of the condition referred to in this application, *“but a number have been refused at appeal, due to the site being in an unsustainable location”*.

None has ever been refused because the council believed or was able to prove the business was viable.

Even the Chair of Staffordshire Moorlands Planning Committee (councillor Peter Wilkinson) has sought and received approval for change of use of his Holiday let because it was simply not viable (**SMD/2024/0517 Daisy Cottage**). If experienced councillors themselves cannot make a viable business from this type of Holiday lets then they should not expect it from others.

In Response to Section 4.2.5

The relevant word here is Viable, just because the Council believes it needs more Tourist accommodation that does not in itself make the use viable. Again, its own figures show there has been an 11% fall in visitors staying at this type of accommodation.

In order for the use to be viable the building needs to cover its costs and pay a reasonable income to the owners, As the accounts show It has not achieved this during our 3 years of ownership (despite significant investment), nor the previous 7 years when the building was allowed to fall into a very poor state of repair.

A fate that will unfortunately happen again without long term tenancy.

In Response to Section 4.2.8

The planning officer states

“From my observations, the property is in good condition, and I am not persuaded that the site would readily become redundant or disused”

The planning officer visited the site after significant financial investment had been made to bring the Historically important properties back from the brink of dereliction. There are significant costs associated with maintaining a building of this size and

age and without a viable income to cover the initial investment and the ongoing maintenance costs the building will indeed again fall into a state of disrepair.

The Council should investigate the long history of disuse between 2014 and 2021.

In Response to Section 4.3.1

There is a substantial amount of Heritage buildings which have been allowed change of use to dwellings without meeting these specific requirements. Two very similar and very nearby example being

SMD/2017/0764– Rock House Farm

SMD/2024/0517 Daisy Cottage

In Response to Section 4.3.6

The Council has been selective in its use of the quotation from the planning inspector with regard to the comparison between our appeal and **SMD/2017/0764– Rock House Farm**.

The actual quotation should be

*“but I note that the scheme did not affect a listed building or **require many external alterations**, so it would not be comparable with the appeal scheme before me.”*

In the report it goes on to identify the external alterations as the cause for concern rather than the listing of the building

The fact the building is listed add significant weight to the need to find a viable use and in all other respects the two applications are identical.

In Response to Section 4.5.2

We did seek informal advice from the planning team both via phone and email before submitting that application.

At no point did the Planning officer state that the application was in any way contentious, if they had then we would indeed have sought detailed advice through the more formal written and comprehensive pre-application service.

As is clearly documented in the emails, the planning officer informed us that approval of the application was a formality and thus we rightly decided such detailed advice would not be necessary.

In Response to Section 5.1

If the council believes that procedurally the application was incorrect then it had the opportunity to point this out at either the pre-planning stage or when we submitted the application. As it did not make this point at either opportunity it should be disregarded now.

Further in the planning Appeal A, APP/B3438/W/20/3253375 referenced by the planning officer the inspector states:

“The above factors lead me to conclude that, as a matter of law and on the facts of the appeal, it is not possible to alter the use of the appeal building by varying the ‘restrictive occupancy condition”

We were not asking to vary the condition but to remove it entirely which is why the planning team themselves advised us to submit this type of application. Further this is the type of application that was accepted and successfully used in **SMD/2017/0764– Rock House.**

From an application perspective this application is genuinely identical to ours.

In Response the conditions stated.

No such conditions were stated for either of the comparable applications that were approved:

SMD/2017/0764– Rock House Farm

SMD/2024/0517 Daisy Cottage

In Response to Section 5.5

The Inspector is cordially invited to approve the appeal.

Kind regards

Chris and Nancy Cooke