

DELEGATED DECISION REPORT

SMD/2025/0032
Valid 17/01/2025

SLIPWAY REACLIFFE
ROAD
RUDYARD

CHANGE OF USE FROM
HOLIDAY ACCOMMODATION
TO DWELLINGHOUSE

(FULL - MINOR)

MAIN ISSUES

- Whether the condition is necessary so as to avoid inappropriate development within the Green Belt and in the interests of the rural economy, and sustainable tourist development.

DESCRIPTION OF SITE

The application site is located within the North Staffordshire Green Belt and comprises a two-storey holiday cottage located on the eastern side of Reacliffe Road in the village of Rudyard. The site is located within the Rudyard Conservation Area but does not comprise a statutorily listed building.

The lake shore of Rudyard Lake encloses the eastern site boundary, with the carriageway of Reacliffe Road enclosing the western site boundary. To the south of the site lies a property known as The Bothy, with further residential development located to the north, known as Waters Edge.

There is a steep change in levels across the site leading downwards in an easterly direction away from Reacliffe Road towards the lake shore. An existing area of car parking is located at the upper end of the site adjacent to Reacliffe Road, with steps and pathways leading down to the first floor of Slipways from where pedestrian access into the building is provided.

The site is located within the Churnet Valley Master Plan area and has trees on the site that are protected by Tree Preservation Orders (as well as them also benefitting from protection by virtue of the site lying within a Conservation Area).

PROPOSAL

The proposal is described as a material change of use from holiday let to a dwellinghouse. It might equally be considered as an application to vary of an existing permission to have the existing occupation condition lifted.

Planning permission was granted in 2004 to replace a small lakeside chalet with a new holiday dwelling (04/00091/FUL, dated 05 April 2004). The permission was subject to an occupancy condition (condition No 3) which states that: *The holiday unit(s) hereby permitted shall only be occupied by persons whose main residence is elsewhere: no person shall occupy the unit(s) for a period in excess of 4 weeks at any one time, nor return to the unit(s) until a period of at least 4 weeks has elapsed.*

The reason given for the condition is: *In order to ensure proper control of the holiday unit(s) and to prevent the establishment of a permanent residency.*

This application includes evidence that the property has been marketed at reduced price and that interest has been discouraged by the occupancy condition.

The proposed change of use will see the existing holiday accommodation repurposed as a dwellinghouse. No external changes to the building or the layout of the site area proposed, with the dwelling retaining an area of amenity space that extends to some 165m².

The existing accommodation of the building will also be unchanged, comprising of an open plan living room / kitchen / dining area, separate lounge, study and utility at ground floor, with two bedrooms (one ensuite), bathroom and hallway at first floor. The gross floor area of the dwelling will be 102.6m².

Of note, the plans submitted with the application show an area formally allocated as an integral boathouse to be provided as a lounge. Previous permissions granted for the holiday let were subject to conditions requiring the retention of the boathouse space.

Vehicular access to the site is taken via Reacliffe Road with parking for two vehicles located at the western end of the site and enclosed by a wall. The pedestrian entrance to Slipways is located at first floor level reflecting the change in levels across the site. No alterations are proposed to these parking and access arrangements.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- E1 New Employment Development
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

13/00685/REM_1 Variation of condition 3 (holiday residency) on planning permission (04/00091/FUL) Erection of new dwelling. REFUSED.

12/00199/FUL Repositioning of access stairs and creation of parking area. APPROVED.

09/00529/FUL Extension to car park (retrospective). REFUSED.

06/00290/FUL Variation of building type following amendments to planning permission (04/00091/FUL) APPROVED.

05/00037/FUL Erection of a dwelling. REFUSED.

04/00091/FUL Demolition of garage/erection of new dwelling) adjoining a listed building. APPROVED.

CONSULTATIONS

Publicity

Site Notice expiry date: 7th March 2025

Neighbour consultation period ends: 7th March 2025

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Horton PC: No Objection

Waste Collection

No issues

Canal and River Trust

No comment on the proposal

SMDC Conservation Team

We have undertaken a desk-based assessment of the proposal, including a review of the submitted Planning & Heritage Statement and decided that no technical advice is required from Conservation. The development site is within Rudyard Conservation Area (which is a designated heritage asset). When considering the impact of a proposed development upon a Conservation Area, the application should be determined in accordance with the duties in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, great weight should be given the heritage asset's conservation, as stipulated in par.212 of the National Planning Policy Framework (2024) and the application determined in accordance with Section 16 of the NPPF and policy DC2 of the local development framework. Whilst we have determined not to provide technical conservation advice in this case, this should not be construed as a comment in support of the application. This is a strictly neutral comment, and does not prejudice any decision made by the Council. If you believe specialist conservation advice is required, please contact Staffordshire County Council Highways

SCC Highway Authority

Building is existing. Access and parking are existing and will be unchanged by this proposal. Permanent occupation by one family will be little different to multiple consecutive occupations by holidaymakers. Reacliffe Road is a private unadopted road.

OFFICER COMMENTS

Background and main issues

In 2013 the Council considered the same or similar application proposal to have the occupation condition removed, under the terms of reference 13/00685/REM_1, dated 20 June 2013. The application was refused by notice dated 19 August 2013. The subsequent appeal against the Council's decision was dismissed (APP/B3438/A/13/2206977). The Inspector's decision letter in that appeal provides a starting point for the consideration of this current application. In summary, the appeal was dismissed because the Inspector determined that the proposal would result in the loss of holiday accommodation, which would be detrimental to the rural economy contrary to the development plan and the aims of the Framework which seeks to support a prosperous rural economy. Consequently, it was concluded that it was necessary to continue the holiday occupancy restriction.

Since that time certain circumstances have changed materially, and fresh consideration is necessary, specifically:

- The SMDC Local Plan adopted 2020 (previous application and appeal considered against the policies of the Core Strategy)
- There have been numerous revisions of the NPPF (the latest issued Dec 2024)
- The Council cannot currently demonstrate a 5 year supply of deliverable housing sites, policies affecting housing supply should be considered out of date (NPPF paragraph 11)
- There is evidence that the property has been marketed unsuccessfully as a holiday home

Whether the Proposal Represents Inappropriate Development Within the Green Belt

The application relates to a modern dwelling which is of permanent and substantial construction. Condition 3 of the principal permission, to which this application relates, restricts the way in which this dwelling can be occupied in order to prevent permanent residential occupancy and encourage short term, holiday occupancy.

Chapter 13 of the National Planning Policy Framework (the NPPF) set out the forms of development that are not inappropriate within the Green Belt. This includes the re-use of buildings provided that they are of permanent and substantial construction. The appeals Inspector in 2013 found that the dwelling at the application site is of substantial and permanent construction and would conform to these criteria.

The Inspector concluded that there would be no impact upon the openness of the Green Belt and the proposal would not conflict with any of the specified purposes of including land within it, as set out in the NPPF. Consequently, he was satisfied that the proposal would not constitute inappropriate development within the Green Belt.

In terms of these considerations, there has been no changes in the circumstances that led to the Inspector's conclusion. Taking the same approach as the Inspector, conclusions in respect of this application would be the same. The proposal would not result in inappropriate development and there would be no harm to the Green Belt.

The Rural Economy

The previous buildings on site were timber holiday chalets. The proposal was submitted and approved on the basis that the replacement of these chalets with a new

improved holiday home would take special advantage of the recreational opportunity of its lakeside location.

The appeals inspector considered the proposal against policies R1 and R2 of the Core Strategy (the adopted development plan at the time). Those policies set out the importance of tourism to the rural economy in the district. Policy R1 assigned priority to the re-use of rural buildings for commercial enterprise, including tourism uses. Policy R2 subsequently stated that the conversion of non-residential rural buildings for residential use would be permitted only where it could be demonstrated that commercial use was not viable or suitable. In such cases there was an expectation that the policy required a marketing exercise to be carried out by a suitably qualified professional or other evidence to demonstrate that commercial use was not viable. There had been no evidence provided to support the 2013 application or appeal in this respect.

Core Strategy policies R1 and R2 are no longer adopted policy and the existing Local Plan does not include direct equivalents. The intent and spirit of the policies has been consumed into Local Plan 'other rural area' strategy policy SS10, with housing policy H1 setting out certain exceptions when housing development can be provided in the countryside. Support for tourism and cultural development is provided specifically in Local Plan policies SS11 (Churnet Valley Master Plan) and E4.

The other rural areas comprise the countryside and the green belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller villages. These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside.

Local Plan Policy SS10 states that this will be achieved through actions that, in respect of meeting housing requirements and specific needs, restricts new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with policy H1; and allowing the conversion or replacement of an existing rural building in accordance with Policy H 1. Local Plan Housing policy H1 states that in the other rural areas in the open countryside, only specified forms of housing development will be permitted. One such form – *“the conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion”*.

The existing accommodation was essentially built as a quality fully functioning dwellinghouse, it was designed specifically to assimilate into the landscape in this lakeside location. In these respects the building is suitable and worthy in physical, architectural and character terms for conversion.

The Local Plan provision here for the conversion of rural buildings, unlike the old CS policies R1 and R2, does not seek to favour commercial or tourism uses over residential or require an evidence test to demonstrate commercial uses would be unviable.

The Local Plan policies that support tourism development for the benefit of rural economy at SS10, SS11 and E4 all seek to enhance tourist opportunities and support sustainable tourism developments including the provision of short stay and long stay visitor accommodation in appropriate locations. However, there is nothing in these policies that explicitly seeks to reserve or prioritise the conversion of rural buildings to provide holiday accommodation or, indeed, protect or retain existing holiday accommodation.

In these respects the policies that seek to support the provision of rural dwellings through the conversion of suitable and worthy buildings compete with the aims of tourism policy that recognises the benefits to the rural economy of tourism development and the delivery of short and long stay holiday accommodation. The policy does not give clear direction that one policy aim should be favoured over the other.

The removal of the condition would result in the loss of a holiday unit which has the ability to support tourism within the local area. Consequently, the proposal may result in some detriment to the rural economy in those regards. However, it is also an evident fact that the Council has a significant shortfall in housing supply and it does not currently have a 5 year supply of deliverable housing sites. In these circumstances the 'tilted balance' introduced by paragraph 11 of the NPPF is engaged and, while the proposal would make only very limited contribution to housing supply, on balance these circumstances weigh in favour of the proposal.

Standards of amenity and quality of accommodation for future occupants of a dwelling

The property provides a two storey, two bedroom dwellinghouse, each providing two bedspaces. It has a gross internal floor area of 102.6m² and provides built in storage in the form of under stair cupboard, hallway closet, study and utility room. Nationally described space standards require an internal floor space of at least 79 sqm and just 2 sqm of built in storage for a two storey dwelling with two bedrooms to be occupied by four persons. Each bedroom exceeds the 11.5 sqm required for a two bed space. The proposal would provide an ample and generous two storey dwelling that provides more than satisfactory living conditions, there would be no breach of the space standards.

Where previous planning permissions restricted and required the boathouse space to be retained to maximise the recreational opportunity offered by the lakeside location to attract visiting tourists. Such a function would not deliver the same benefit where the property provides a dwellinghouse.

Highway Safety

The application site benefits from an existing means of access off Reacliffe Road which serves a parking area with space for two vehicles (as permitted under application SMD/2012/0273). The access already functions as the vehicular access to the holiday accommodation. The level of parking available on site also meets the required standard for a two bedroomed dwelling (2 spaces). so the impact of the proposed development on highway safety will be no greater than that which already

occurs. The proposal is consequently held to meet the requirements of policy T1 of the Local Plan and guidance within the NPPF.

Biodiversity Net Gain

The proposal is exempt from statutory requirements to deliver a 10% net gain to biodiversity, as the proposal will not impact on any habitats. The applicant is nevertheless agreeable to installing a bird box on the site to deliver a net gain to biodiversity in accordance with the objectives of paragraph 193 of the National Planning Policy Framework. Such enhancement can be secured via an appropriately worded planning condition.

CONCLUSION / PLANNING BALANCE

The re-use of the building would not be inappropriate development within the Green Belt and a permanent dwelling would be no less sustainable than the present development.

The proposal would result in the loss of holiday accommodation, which may result in some detriment to the rural economy. However, the Council also has a shortfall of housing and is unable to demonstrate a 5 year supply of deliverable housing sites and the policy does at SS10 and H1 clearly make provision for the conversion of rural buildings to dwellings where the building is suitable and worthy. While the dwelling would make only a very limited contribution to housing stock, on balance, considerations weight in favour of the proposal over the retention of the holiday accommodation.

Consequently, it is concluded that it is not necessary and, indeed, there is no explicit policy support that justifies the holiday occupancy restriction, as set out in planning permission ref. 04/00091/FUL. Planning permission should therefore be granted in the terms sought in the application.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 11.03.2025

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council

