



PLANNING BY DESIGN

FROM CONCEPT TO COMPLETION

Appeal Statement

Change of use of three holiday cottages to Residential Dwellings (C3) at Bank Top Farm, Bank Top Road, Dilhorne, Stoke-on-Trent, Staffordshire, ST10 2PN

**Written and prepared by Planning By Design on
Behalf of Philip and Kathleen Davenhall**

1 Introduction

1.1 Introduction

Planning By Design have been instructed on behalf of the Philip and Kathleen Davenhall (**the appellants**) to submit a non-determination appeal for the Change of use of three holiday cottages to Residential Dwellings (C3) (**the application**) at Bank Top Farm, Bank Top Road, Dilhorne, Stoke-on-Trent, Staffordshire, ST10 2PN (**the site**).

This appeal is for both original application SMD/2024/0465 and accompanying Listed Building Consent application SMD/2024/0466, both of which were due to be determined on 27th December 2024.

The appellant seeks an appeal under S78 (2) of the Town and Country Planning Act 1990 (As amended), due to non-determination.

This document will provide further supporting evidence, a response to the consultation responses received and an overview of the liaison with the council up until this stage.

1.2 Site Location

Bank Top Farm is a Grade II Listed Building located in rural Staffordshire. The holiday cottages are located to the northeast of Bank Top Farm and are also Grade II listed. The properties currently share a 'managed space' outdoors with another holiday cottage, which was previously sold to another owner.

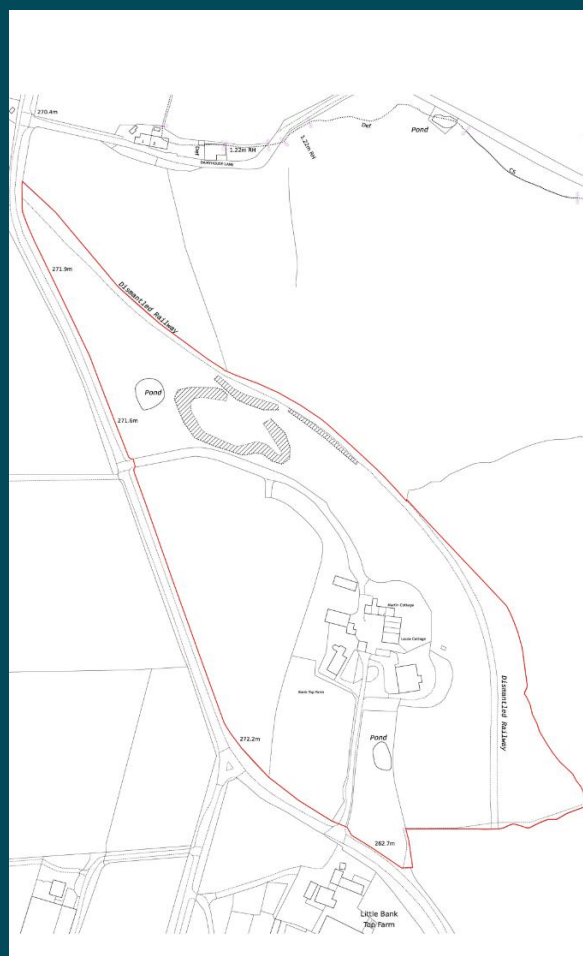


Figure 1: Location Plan

1.3 Site Designations and Planning History

The cottages are Grade II Listed and located within the Green Belt.

The planning history of the site is provided in Table 1.

Table 1: Planning History

Ref	Date	Description	Outcome
SMD/1991/0649	Feb 1991	Material landfill site	Approved
SMD/1991/0652	Mar 1991	Listed building consent for replacement windows erection of 2 porches and removal of paint from 2 elevations	Approved
SMD/2002/0389	Mar 2002	Change of use of holiday units to 4 dwellings	Refused
SMD/2003/0620	Apr 2003	Change of use from holiday units to residential	Refused
SMD/2003/0621	Apr 2003	Conservation area consent for change of use	Outcome not available
SMD/2005/0243	Apr 2005	Change of use from holiday cottages to short term rented accommodation	Refused

2 The Proposal

The proposal is for the change of use of no.3 red brick holiday cottages at the site from C1 usage to residential C3 usage as they have proven to be no longer economically viable to the clients as tourism accommodation. The cottages at the site subject to this application are as follows:

- Laura Cottage – two-storey cottage, featuring external (front door) entrance into living room, with the kitchen/diner located to the rear on the ground floor, and one bedroom and one bathroom on the first floor.
- Severn Cottage – two-storey cottage, with external entrance (front door) into living room leading to separate kitchen, an additional living space and a large bedroom on the first floor.
- Corner Cottage – two-storey square shaped cottage, with external entrance (front door) into open planned kitchen and living room on ground floor, one bedroom, storage space, and one bathroom on first floor.

The applicants intend to retain the remaining four cottages for holiday let usage to ensure they are maintaining a tourism facility. There will be no alterations to the external elevations or internal floorplans as a part of the proposal. The specifics of the floor plans, dimensions and design of the cottages can be found within the accompanying planning drawings.

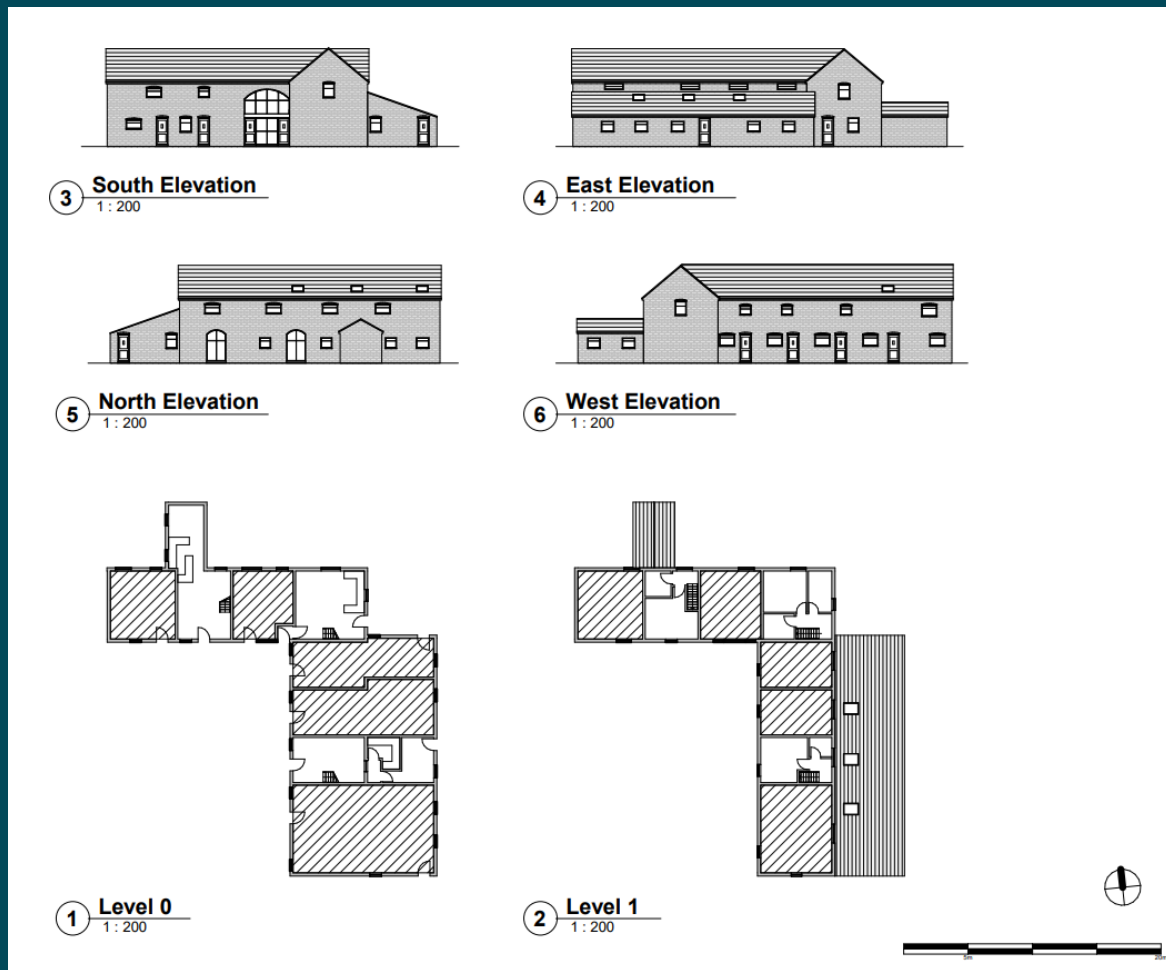


Figure 2: Elevations and Floor Plans

3 Application

3.1 Introduction

This section will outline the two applications (full and LBC) applications already submitted and provide a timeline of the liaison with the council since submission.

3.2 Original Applications

The two applications (SMD/2024/0465 and accompanying Listed Building Consent application SMD/2024/0466) were received by Staffordshire Moorlands Council (the Local Planning Authority) on 11th October 2024. Both applications were made valid on 1st November 2024.

Both applications were determined to be decided by 27th December 2024.

3.3 Timeline of Events

Table 2 outlines the progress since both the applications were validated.

Table 2: Timeline

Date	Action
10.02.2025	Agent contacted Lisa Li who was listed as the case officer as the planning portal stated that the application would go before planning committee on 27 th February 2025. The agent asked if representations could be made at committee.
12.02.2025	Further email was sent to Lisa Li to request a response. The agent submitted an enquiry form on the council website to try and receive some information regarding the application.
19.02.2025	A response is received from Lisa confirming that the application will not go to February committee and instead go to March committee. This case officer also said she is now about to go on maternity leave at the end of March and the case will be reassigned.
21.02.2025	Lisa Li requests an extension of time until 28 th March but this is not agreed.
03.04.2025	The agent emailed Ben Haywood and Peter Wilkinson at the council after speaking to someone at the planning department over the phone, outlining the history of the case and requesting information as to when it will be decided.
16.05.2025	The agent sent an email to Sarah Beech asking to understand the process regarding submitting further evidence for a planning committee, who promptly responded.
20.05.2025	The agent emailed the planning team as the case was not listed on the agenda for the May planning committee meeting.
23.05.2025	Ben Haywood confirms that the application has been passed onto a new case officer, Hannah Varley, and stated she will be in touch and confirm whether this will appear at June committee.
12.06.2025	The agent emails the new case officer asking for any updates and no reply is received.

Due to the lack of engagement from the council and the fact that six months since the decision date was fast approaching, the applicant decided to submit a non-determination appeal.

4 Statement of Case

4.1 Introduction

This section will outline the consultation responses received to both applications and then provide a detailed response.

Further information regarding the planning policy and heritage designations can be found in the accompanying Heritage Statement and Planning Statement.

4.2 Consultation Responses

SMD/2024/0465

The following consultees responded stating that they had no comment or were not statutory consultees on the following dates:

- Flood Risk Management Team – 29th November 2024
- Historic England – 4th December 2024
- AES Waste – 6th December 2024

Staffordshire County Council Highways responded on 11th December 2024 stating that they were accepting of the proposal.

Dilhorne Parish Council responded on 20th December 2024:

“Dilhorne Parish Council OBJECT to this application on the following grounds:-

1. *Tourism - these holiday accommodation units were approved to benefit tourism in the area.*

- When originally approved, we believe, had the following condition attached and we therefore this should taken into account when deciding on this application :- "The holiday units hereby permitted shall only be occupied by persons whose main residence is elsewhere; no person shall occupy the units for a period in excess of three weeks at any one time, nor return to the units until a period of at least four weeks has elapsed unless otherwise agreed in writing by the Local Planning beforehand.

Reason:- In order to ensure proper control of the use of the holiday units and to prevent the establishment of a permanent residency.

Because of these reasons we request that this application is "called in" to the Planning Committee for decision and is not made by delegated officers decision."

SMD/2024/0466

The following consultees responded stating that they had no comment or were not statutory consultees on the following dates:

- Flood Risk Management Team – 29th November 2024
- Historic England – 4th December 2024
- AES Waste – 6th December 2024

Dilhorne Parish Council responded on 19th December stating:

"We have responded to SMD/2024/0466 with our objection comments and these also apply to this application as the two applications go hand in hand."¹

4.3 Tourism Accommodation

The cottages have not been let out since 2023 as lack of interest meant that the owners stopped marketing the cottages subject to this application and instead focus on the remaining cottages. The demand for this sort of one-bed tourist accommodation has decreased significantly as many holiday makers prefer larger properties for larger parties to stay in. A significant increase in holiday cottages nearby the site has seen increased competition for holidaymakers. Examples include holiday lodges at Quarry Walk Park and three new hotels at nearby Alton Towers.

One of the Bank Top Farm cottages not subject to this application is currently advertised for holiday lets on the website Booking.com. The website shows that many upcoming dates remain available even throughout the school holidays.

July 2025							>	<	July 2025							August 2025							>	
Mo	Tu	We	Th	Fr	Sa	Su			Mo	Tu	We	Th	Fr	Sa	Su		Mo	Tu	We	Th	Fr	Sa	Su	
	1	2	3	4	5	6				1	2	3	4	5	6						1	2	3	
	£128	£128	—	£159	£150	—				£128	£128	—	£159	£150	—						£128	£143	£128	
7	8	9	10	11	12	13			7	8	9	10	11	12	13		4	5	6	7	8	9	10	
£128	£128	£128	—	£150	—	—			£128	£128	£128	—	£150	—	—		£128	£128	£128	—	£128	£159	£128	
14	15	16	17	18	19	20			14	15	16	17	18	19	20		11	12	13	14	15	16	17	
£128	£128	£128	£128	£128	£159	—			£128	£128	£128	£128	£128	£159	—		£143	£143	£128	£128	£128	—	£128	
21	22	23	24	25	26	27			21	22	23	24	25	26	27		18	19	20	21	22	23	24	
£128	£128	£128	—	£128	—	—			£128	£128	£128	—	£128	—	—		£128	£128	£128	£128	—	£159	£128	
28	29	30	31						28	29	30	31					25	26	27	28	29	30	31	
£143	£128	£128	—						£143	£128	£128	£128	—				£128	£128	£128	—	£128	£128	£128	

Figure 3: Booking Data (the — line shows the date has been booked)

¹ It is assumed a typo was made here and the council meant SMD/2024/0465.

Part-time staff are employed to maintain the cottages and garden area. These will remain employed to continue tending to the remaining holiday cottages and garden areas.

4.4 Response to Parish Council

The proposal must be considered in light of both the evolving planning policy landscape and the realities of local market demand. Although the properties were originally approved as holiday accommodation to support tourism, planning decisions must reflect current circumstances and pressing needs, particularly the acute shortfall in housing provision across Staffordshire Moorlands. The continued reservation of these units for holiday use is no longer justified, either in terms of policy or in practice, given their limited contribution to tourism and their potential to provide much-needed housing.

As part of appeal APP/B3438/W/24/3351035, a Statement of Common Ground on Housing Supply was produced between Bloor Homes and Staffordshire Moorlands. This was published on 29th January 2025 in light of the requirement to demonstrate a five-year supply being reinstated. The council considered the housing land supply to be 2.95 years, whereas the appellant was of the view this was 2.7 years. In either case, the supply of deliverable housing is significantly below the five-year target. This shortfall engages the presumption in favour of sustainable development set out in paragraph 11(d) of the National Planning Policy Framework, meaning planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits. In this context, the reuse of three existing, habitable units for permanent residential occupation carries significant weight.

It is important to emphasise that the three cottages in question have struggled to generate consistent interest or bookings as holiday lets. Despite being made available for tourism purposes, demand has been minimal, and occupancy rates have been falling in recent years. This reflects a wider trend in parts of the district, where the supply of holiday accommodation now exceeds realistic demand, particularly in more rural or less tourist-centric areas. In effect, these cottages are underused assets that could be far more effectively deployed to meet urgent housing needs. Continuing to restrict them to a holiday use that is no longer viable or commercially sustainable serves no useful planning purpose.

The Parish Council's reference to the original occupancy condition is acknowledged. When permission was originally granted, the restriction was justified on the basis of controlling the use and preventing permanent occupation in a way that might bypass normal housing policies. However, planning conditions must remain proportionate, reasonable, and responsive to change. The rationale for the condition was tied to a presumed demand for tourism accommodation and a different policy environment. That rationale no longer stands. What is now demonstrably required is the delivery of housing, and these units can deliver it immediately, without the need for new development or greenfield land release.

The planning system must prioritise sustainable development, and this proposal exemplifies that principle. The cottages already exist and are suitable for immediate occupation, offering a low-impact, deliverable housing solution at a time of acknowledged under-provision. There are no access, infrastructure or environmental constraints and no concerns expressed by statutory consultees.

4.5 Similar Application

A similar application was recently approved at DAISYS COTTAGE, Main Road, Hollington, Staffordshire, ST10 4HR for Change of Use from holiday let to 1no, 1 bedroom Dwelling (application ref. SMD/2024/0517). This was permitted on 31st January 2025 as the parish council and planning authority were now satisfied that the holiday cottage was not economically viable.

4.6 Planning Balance

The change of use will result in clear economic benefits. Although holiday accommodation can support tourism income, these three units have shown sustained low occupancy and declining viability. Their conversion to permanent homes would bring continuous, year-round occupancy, which supports local services and businesses more reliably than intermittent holiday use. The employment of part-time staff for site maintenance will continue, and the local economy benefits from stable residents contributing to regular economic activity rather than seasonal visitors.

Socially, the proposal provides an immediate and low-impact opportunity to contribute to local housing need. The district faces a significant shortfall in deliverable housing, and the use of existing buildings for residential purposes is an efficient way to address this. These dwellings would be suitable for a range of residents, including smaller households, single occupants, or couples, supporting a diverse and balanced community in the local area. By reusing existing properties, the scheme supports inclusive growth and adds to the local housing stock without new development or additional strain on infrastructure.

There are also environmental benefits to the proposal. The cottages already exist, and no physical alterations or additional development are proposed. Reusing the buildings avoids the environmental costs of new construction and preserves surrounding greenfield land. The continued maintenance of the shared outdoor spaces ensures the character and appearance of the site remain managed and preserved. There are no concerns from environmental consultees, and the proposal aligns with the principles of sustainable development by making effective use of existing resources.

In conclusion, the proposal offers a sustainable solution that responds directly to local housing need while avoiding harm to the environment or heritage setting. The economic, social and environmental benefits of the scheme are significant, while any harm is negligible or theoretical. When weighed in the planning balance, the benefits clearly and demonstrably outweigh any perceived disadvantages, particularly in the context of the Council's acknowledged housing land supply deficit. The change of use represents sustainable development and planning permission should therefore be granted.

5 Conclusion

The benefits of granting the application are clear, measurable, and immediate, while the harm is limited and largely theoretical. No concerns have been raised by any statutory consultees aside from the parish council, and there are also no concerns relating to heritage, transport and highways, or environmental matters.

Retaining these properties in holiday use on the basis of a historic planning condition, despite there being little or no demand for them, is an inefficient and unjustified use of land and housing stock. Given the Council's housing land supply deficit, the lack of any significant adverse impacts, and the absence of a compelling case for retention as holiday lets, the application should be approved. The planning balance clearly favours the change of use, and permission should be granted accordingly.