



Statement of Case of Staffordshire Moorlands District Council

Town and Country Planning Act 1990

Section 78

Planning & Compulsory Purchase Act 2004

Local Planning Authority Ref: SMD/2024/0465 and SMD/2024/0466

The Planning Inspectorate Reference: APP/B3438/W/25/3368361 and
APP/B3438/Y/25/3368362

APPEAL BY MRS KATHLEEN DAVENHALL AGAINST THE NON-DETERMINATION OF
PLANNING AND LISTED BUILDING APPLICATIONS BY STAFFORDSHIRE MOORLANDS
DISTRICT COUNCIL SEEKING PERMISSION TO CHANGE USE OF THREE HOLIDAY
COTTAGES TO RESIDENTIAL DWELLINGS (C3)

AT

BANKTOP FARM, DILHORNE ROAD, BLAKELEY

1. Introduction

1.1 The appeal is against the non-determination of the planning applications SMD/2024/0465 and SMD/2024/0466.

1.2 The applications are for the change of use of three holiday cottages to residential dwellings (C3). The three holiday cottages which the applications apply to are Laura Cottage, Severn Cottage and Corner Cottage. There would be no alterations to the external elevations or internal floorplans as a part of the proposal.

1.3 The reason for the application is that the existing holiday lets have proven to be no longer economically viable to the applicants as tourism accommodation. The applicants have made the following statement regarding the reasoning for the application:

“We have been running the cottages since 1994 but in the last 3 years profitability has fallen significantly, we feel this is due to several reasons; Alton Towers have increased their accommodation offerings with their hotels and woodland lodges, there is also greater competition locally and there has been an increase in Air BnB accommodation that is available.

We feel as though these factors alongside the cost-of-living crisis are having a major effect on the business and we can see that because of this we are having far fewer guests staying for more than one night compared to before covid when guests would commonly book for 2-3 nights. Being holiday lets we also only open from mid-March to mid-November due to the weather and also the fact that Alton Towers closes during this period and that is where many of our guests are visiting when they stay with us, so this also affects our bookings and forces us to close.

In the last few years, we have also had numerous enquiries from local people asking about renting one of our cottages, but we have been unable to rent any of them out long term due to them being holiday lets.”

1.4 Notably, the applicants intend to retain the remaining four cottages for holiday let usage to ensure they are maintaining a tourism facility:

“We will be retaining 4 of our cottages as holiday lets as we feel this number of holiday lets is workable and we plan to refurbish one of these cottages in the near future, the other 3 cottages can then be changed to residential use and produce an income.”

2. The Site

2.1 The site comprises a row of existing holiday cottages which occupy a Grade II Listed brick barn building, located approximately 25 metres North-East of the Grade II Listed

Banktop Farmhouse. It is in the open countryside and is blanketed by greenbelt land. The Dilhorne 6 Public Right of Way is located to the South-East of the site. The properties currently share a 'managed space' outdoors with another holiday cottage, owned by someone else.

3. Relevant Planning History

- SMD/2002/0389 – Change of use of holiday units to 4 dwellings. Refused.
- SMD/2003/0620 – Change of use from holiday units to residential. Refused.
- SMD/2003/0621 – Conservation area consent for change of use. No decision.
- SMD/2005/0243 – Change of use from holiday cottages to short term rented accommodation. Refused.

4. Planning Policies

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

SS1 - Development Principles
1a - Presumption in Favour of Sustainable Development
SS2 - Settlement Hierarchy
SS10 - Other Rural Areas Strategy
E4 - Tourism and Cultural Development
H1 - New Housing Development
DC1 - Design Considerations
DC2 - The Historic Environment
T1 - Development and Sustainable Transport

National Planning Policy Framework (NPPF) Revised (2024)

Paragraph(s) 1 – 14
4 – Decision making
12 – Achieving well designed places
13 – Protecting Green Belt Land
16 – Conserving and enhancing the historic environment

Staffordshire Moorlands Space About Dwellings SPD

Tourism Strategy for Staffordshire Moorlands 2022-2027

5. Council's Case

5.1 Had the Council been able to determine the planning and Listed Building Consent applications, this would have been our recommendation and the conclusions reached.

5.2 The principle of allowing the holiday lets to be used as independent dwellings in terms of the location of the site and sustainability

5.2.1 Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.2.2 Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

5.2.3 In accordance with Policies SS1 and SS2 of the Staffordshire Moorlands Local Plan the Council expects all new development to make a positive contribution towards the sustainability of communities and to protect and where possible enhance the environment. A more limited focus on future growth is to be directed to smaller villages, including the rural area of Blakeley. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

5.2.4 The application site is located in the Open Countryside whereby Policy SS10 of the Local Plan (2020) is applicable. Policy SS10 states that these rural areas will provide only for development that 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.

5.2.5 Part (3) of policy SS10 seeks to protect the quality and character of the area and requires all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape.

5.2.6 Local Plan policy seeks to ensure that new housing is provided in sustainable locations. Remote settlements such as Blakeley generally have a low range of services and facilities and it is often necessary for local residents to travel outside the village for most of their daily needs. Development is more often considered unacceptable in these areas.

5.2.7 It has been acknowledged that there is policy support for rural exceptions housing in accordance with Policy H1. However, the Council are required to consider the suitability of each proposed development on its own merit and not all proposed rural housing development is considered acceptable, regardless of the national requirement for housing.

5.2.8 I refer to a previous appeal decision under the reference APP/B3438/W/19/3240834 in relation to SMD/2019/0257 at Old Whiston Copperworks Site, Whiston, Stoke-on-Trent ST10 2HZ. The development proposed is described as “Phase 2 Residential Development for 9 No. Dwellings on the former Copperworks, Whiston”. This appeal was dismissed by the Inspector.

5.2.9 Similarly to Whiston, Blakeley is a smaller rural settlement which is considered under Policy SS10 of the Local Plan. The Inspector of this appeal made the following conclusion regarding the location of the proposed 9 No dwellings:

“The occupants of the proposed dwellings would have to travel to places with a greater range of facilities, in order to carry out even their basic day to day needs. A number of the services in the village provide a particular function and would not fulfil such needs. With the somewhat isolated location of the settlement, there would be a reliance on the private car as the primary means of transport...”

I conclude that the proposal would not be in a suitable location for housing with regard to the accessibility to services. As such, it would not comply with Policy T1 of the CS where it concerns reducing reliance on the private car for travel journeys and the need to travel generally.”

5.2.10 The village of Blakeley is very similar to Whiston, in that there are a limited number of services which cannot provide for the day to day requirements of residents. Thus, there would be a degree of reliance on the private car as a means of transport to other towns and villages across the Staffordshire Moorlands in order to fulfil residents’ needs.

5.2.11 Therefore, although the additional housing would bring public benefit in that it would make a small contribution to the housing numbers in an area of undersupply, the environmental harm caused by the increased amount of car journeys as a result of the unsustainable rural location of the dwellings would outweigh this. The increased degree of permanence and use from long term residencies / dwellings would increase from on and off short term use and residence of the existing building.

5.3 The loss of the holiday lets and the impact of this on the local economy and tourist economy

5.3.1 Policy E4 encourages new tourism and cultural development which complements the distinctive character and quality of the District, having regard to policies SS9 and SS10.

5.3.2 Therefore, the loss of holiday lets which support the local tourist (and rural) economy are contrary to those policies.

5.3.3 The applicant claims that the holiday cottages have proven to be no longer economically viable to the applicants as tourism accommodation.

5.3.4 Furthermore, the applicant has made the following comments:

“We have been running the cottages since 1994 but in the last 3 years profitability has fallen significantly, we feel this is due to several reasons; Alton Towers have increased their accommodation offerings with their hotels and woodland lodges, there is also greater competition locally and there has been an increase in Air BnB accommodation that is available.

We feel as though these factors alongside the cost-of-living crisis are having a major effect on the business and we can see that because of this we are having far fewer guests staying for more than one night compared to before covid when guests would commonly book for 2-3 nights. Being holiday lets we also only open from mid-March to mid-November due to the weather and also the fact that Alton Towers closes during this period and that is where many of our guests are visiting when they stay with us, so this also affects our bookings and forces us to close.

In the last few years, we have also had numerous enquiries from local people asking about renting one of our cottages, but we have been unable to rent any of them out long term due to them being holiday lets.”

5.3.5 There is no evidence that competition elsewhere is the sole reason for the downturn in occupancy rates at the site. Furthermore, there is no indication that take up of the units won't increase in the near future due to changes to the economy or changes in market trends.

5.3.6 The 'Tourism Strategy for Staffordshire Moorlands 2022-2027' outlines a number of priorities for growth in tourism. One priority raised in this document is to expand, improve and encourage investment in accommodation for tourists, in order to attract visitors to stay overnight and keep their spending in the local area rather than losing it to neighbouring regions. This document states that an existing weakness of the Staffordshire Moorlands is the lack of accommodation investment.

5.3.7 As per the 'Tourism Strategy for Staffordshire Moorlands 2022-2027' document, *“The most recent data tells us that day visitors dominate accounting for about 90% of the 5.6m visits but just 58% of the £335m spend. Staying visitors however account for 42% of the total spend despite just being 10% of visits. This highlights the importance of overnight visits and extending the duration of visits.”*

5.3.8 From this, it is clear that the loss of the available holiday let accommodation would contradict the need of Staffordshire Moorlands for more overnight tourist accommodation. Statistically speaking, it is clear that there is an essential need for

growth through investment in tourist accommodation, including a duty to protect existing accommodation facilities in the district.

5.3.9 Policy H1 references that the conversion of rural buildings for residential use can be acceptable, where such development would represent the optimal viable use of a heritage asset. It is clear from the Tourism Strategy for Staffordshire Moorlands that tourist accommodation is of great need to encourage growth of the district, thus demonstrating that it does represent the optimal viable use of the building.

5.3.10 The loss of a development which promotes sustainable tourism in this rural area would be considered a detriment. Therefore, the removal of the available holiday lets would conflict with Policies E4 and SS10 of the Local Plan, as well as the 'Tourism Strategy for Staffordshire Moorlands 2022-2027'.

5.4 Impact on the Heritage Asset

5.4.1 The principle of development can only be deemed acceptable if the integrity of the asset including its significance is conserved and enhanced where possible in line with Policy DC2 and the NPPF.

5.4.2 The holiday cottages are located to the North-East of Bank Top Farm. Both the holiday cottages and Bank Top Farm are Grade II listed. As such, the proposed development is subject to policy DC2 of the Local Plan (2020) and restrictive policies set out within Chapter 16 of the NPPF (2024) which relate to the conservation and enhancement of the historic environment.

5.4.3 Paragraph 205 of the NPPF (2024) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.4.4 The Conservation Officer of the Council has made the statement that *"the barns have previously been converted into living accommodation, as such the proposal does not propose any physical alterations to the fabric of the building. On this basis I raise no objection in regards to heritage."*

5.4.5 As such and for the reasons outlined above the proposed development is considered to comply with Policy DC2 and the NPPF.

5.5 Residential Amenity

5.5.1 Paragraph 135 f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. Local Plan Policy DC1 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing,

overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

5.5.2 The Council's Space About Dwellings SPD outlines a series of spatial standards which need to be met to ensure reasonable enjoyment of a residence and garden by existing and proposed residents, allowing them a degree of freedom from unwanted social contact. All new dwellinghouses are required to meet the Council's external spatial standards to enable all residents sufficient light and privacy amenity.

5.5.3 Notably, no information or plans have been submitted to the Council in relation to the proposed residential dwellings, in terms of the division of the building externally. Therefore, the Council are unable to establish whether the new dwellings would have adequate amenity space, in particular externally.

5.5.4 Even if details were provided to the Council, there remains concern regarding impact of any landscaping works on the Listed Buildings. In the absence of any plans, this cannot be assessed.

5.5.5 The purpose of the application in front of the Council is to change the use of three holiday cottages to residential dwellings. 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.

5.5.6 As the applicants are seeking to convert part of the building to residential dwellings, they are required to demonstrate that the dwellings would have adequate external amenity space in accordance with the size of and number of bedrooms in each dwellinghouse.

5.5.7 Thus, it is considered that the completion of external landscaping works to provide adequate amenity space for a number of dwellings could be a detriment to the Listed building and would therefore be inappropriate, contrary to Policies DC1 and DC2 of the Local Plan.

6. Response to the Appellant's Grounds of Appeal

6.1 The appellants have provided responses to each of the consultee comments received relating to SMD/2024/0465 and SMD/2024/0466.

6.2 Ground (a) – Tourism Accommodation

6.2.1 The loss of available holiday accommodation would contradict the need of Staffordshire Moorlands for more overnight tourist accommodation.

6.2.2 Although the appellant states in their appeal statement that *“a significant increase in holiday cottages nearby the site has seen increased competition for holidaymakers”*, the fact that there is lots of accommodation in the area doesn’t necessarily equate to oversupply. This could indicate a very healthy market and demand for overnight accommodation in the Staffordshire Moorlands.

6.2.3 The overall picture for holiday accommodation is healthy. The Council’s position is that the underperformance of these units is likely to be a function of a high cost base, poor marketing, incorrect pricing or a combination of these.

6.2.4 The Council recognise that under Policy H1, the conversion of rural buildings for residential use can be acceptable, where such development would represent the optimal viable use of a heritage asset. However, it is clear from the Tourism Strategy that tourist accommodation is of great need to encourage growth of the district, thus demonstrating that it does represent the optimal viable use of the building.

6.2.5 When considering the loss of tourist accommodation under the Frimsmoor Croft, Ashbourne Road, Rue Hill, Cauldon Low ST10 3HD appeal (APP/B3438/W/19/3232886), the Inspector made the following points:

6.2.6 *“From my observations, the property is in good condition and I am not persuaded that the site would readily become redundant or disused or that there is no prospect of the property being used for its lawful purpose... I have also found that the removal of the condition would harm the supply of tourism accommodation in the area”*.

6.2.7 The exact same applies in this case.

6.3 Ground (b) – Response to Parish Council

6.3.1 The appellant has made reference to the shortfall of housing provision across Staffordshire Moorlands. As stated by the appellant, *“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.”*

6.3.2 Whilst it is recognised that the Council are not currently achieving a 5 year supply of housing, the modest public benefit of three new dwellings does not outweigh the harm of the unsustainable location for housing, loss of tourist accommodation and lack of external residential amenity space. Therefore, the adverse impacts are considered by the Council to significantly and demonstrably outweigh the benefits in this case.

6.3.3 Notably, an occupancy condition was implemented on the planning permission granted for the holiday accommodation. Referring to the occupancy condition in their Statement of Case, the appellant has made the following claim:

“The rationale for the condition was tied to a presumed demand for tourism accommodation and a different policy environment. That rationale no longer stands.”

6.3.4 Furthermore, the appellant has claimed that *“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.”*

6.3.5 These claims are however contrary to the data within the Tourism Strategy (2022-2027), which states it has been identified that there is a need to increase overnight stays. The Tourism Strategy for the Staffordshire Moorlands identifies priorities for growth in tourism. One priority raised in this document is to expand, improve and encourage investment in accommodation for tourists, in order to attract visitors to stay overnight and keep their spending in the local area rather than losing it to neighbouring regions. This document states that an existing weakness of the Staffordshire Moorlands is the lack of accommodation investment.

6.3.6 Statistically speaking, it is clear that there is an essential need for growth through investment in tourist accommodation, including a duty to protect existing accommodation facilities in the District. Although the applicant has stated that has been a decline in books / demand, this stands in conflict with the findings in the Tourism Strategy for Staffordshire Moorlands.

6.3.7 Although the appellant has stated that the proposal exemplifies sustainable development, the Council believe the contrary. The site comprises an unsustainable location for new housing due to its isolated location, meaning limited access to services, facilities and sustainable transport modes. Notably, the site is not readily accessible to the nearest settlements via a range of modes of transport. Resultingly, future occupants would be highly dependent on the private car to complete their day-to-day needs.

6.4 Ground (c) – Similar Application

6.4.1 The Council recognise that the Planning Committee approved a similar application at Daisys Cottage, Main Road, Hollington, Staffordshire, ST10 4HR for the Change of Use from holiday let to 1no, 1 bedroom Dwelling (application ref. SMD/2024/0517).

6.4.2 On the contrary, a recent application at Hermitage Farm (SMD/2024/0272) for the removal of a holiday let condition was refused by Committee Members at the October 2024 committee meeting. One of the reasons for refusal was that the application proposed the loss of tourist accommodation when there was a need within the District. Similarly to the Hermitage Farm scheme, there is no evidence that any downturn in occupancy is from competition elsewhere or that there won't be an increase in future demand.

6.4.3 An appeal was made against the decision of the Committee to refuse the Hermitage Farm application. The Inspector dismissed the appeal, stating that “even

within the context of the Council's housing supply shortfall, the contribution of four additional units would attract modest weight." The Inspector concluded that the site comprised an unsustainable location for housing and that "the lack of a private garden of a suitable size for activities such as sitting out, drying clothes, and for children to play, would be harmful to the living conditions of future occupiers."

7. Planning Balance and Conclusion

7.1 On balance, it is recommended that the application is refused. Although the application presents some public benefit in that there would be a small contribution to the housing numbers in an area of undersupply, it is clear that there remains conflict with a number of Local Plan policies, including SS1, SS2, SS10, E4, DC1, DC2 and T1.

7.2 Local Plan policies are in place to resist new dwellings in unsustainable rural locations and to encourage tourist development including accommodation in the interests of the local rural economy, which the proposed development would be contrary to. Furthermore, environmental harm would be a consequence of the proposed development via the increased number of journeys to and from dwellings in this unsustainable location. Lastly, in the absence of details regarding amenity space per dwelling, the Council are unable to determine whether the new dwellings would have adequate external amenity space. Even if details had been submitted, there is concern regarding impact of any external landscaping works on the setting of the Grade II Listed buildings.

7.3 The proposal does not comply with the Development Plan and will not deliver sustainable development.

7.4 The Inspector is duly invited to dismiss the appeal.

8. Conditions

1. Prior to any permanent occupation of the building, a plan shall be provided for the written approval of the Local Planning Authority, detailing the subdivision of the residential units. The plan shall include details of private external amenity space per unit and the provision for sufficient parking per unit. The development shall subsequently be carried out as approved before permanent occupation and shall remain in situ for the lifetime of the development.

Reason:- to ensure that all future residents have adequate private amenity space in line with the Council's Space About Dwellings SPD; to safeguard the setting of the Listed buildings in line with Policies DC1 and DC2; in the interest of highway safety in compliance with Policy T1.