

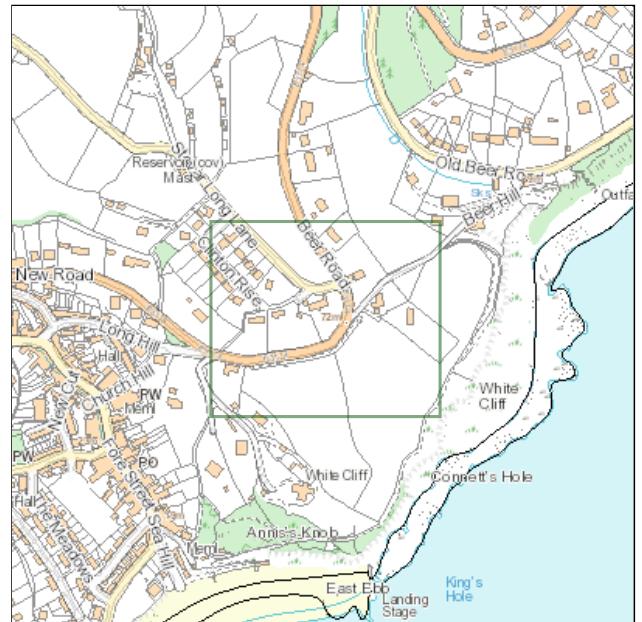
Ward Beer And Branscombe

Reference 21/1684/FUL

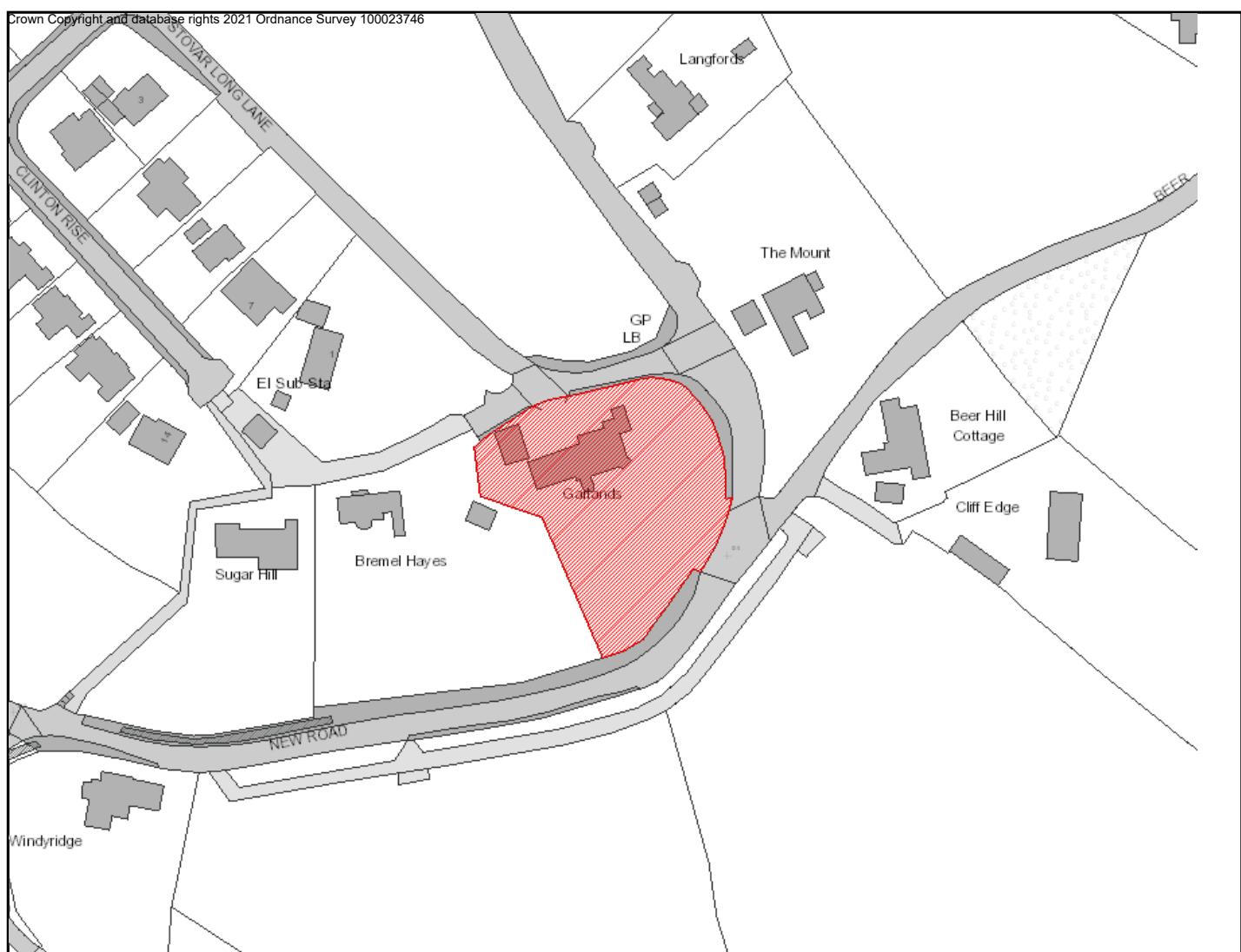
Applicant Mrs Helen Follett

Location Garlands Stovar Long Lane Beer Seaton EX12 3EA

Proposal Change of use of 2x holiday dwellings to residential use.



RECOMMENDATION: Refusal



		Committee Date: 19th January 2022
Beer And Branscombe (Beer)	21/1684/FUL	Target Date: 30.08.2021
Applicant:	Mrs Helen Follett	
Location:	Garlands Stovar Long Lane	
Proposal:	Change of use of 2x holiday dwellings to residential use.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application has been referred from Chair's Delegation for consideration by the Committee.

Garlands has been extended and subdivided and comprises the applicant's living accommodation plus three holiday lets. This proposal seeks to merge one of the holiday lets with the applicant's accommodation and to use another of the holiday lets as a rental dwelling. The third holiday let would remain. Overall, the proposal would result in the loss of two holiday lets and a gain of one dwelling for long term rent.

Policy T4 of the Beer Neighbourhood Plan sets out the scenarios in which the loss of holiday accommodation may be acceptable. The first is that the business is unviable but in this case there is every indication that the business is viable. The only other scenario requires the proposal to deliver benefits to the local economy and community that are greater than or equal to the benefits arising from the current use as holiday lets.

Expanding the applicant's living accommodation would be a private benefit to the applicant and, coupled with the loss of one unit of holiday accommodation, this would have a negative effect on the local economy and community.

Using the second holiday let as a rental dwelling may help to meet a demand for such accommodation but there is no evidence that it would lead to greater or equal benefits to the local economy and community compared to use as a holiday let. Much of the focus of the neighbourhood plan is on providing affordable accommodation for the local community but there is no evidence that this proposal would meet the housing or affordability requirements of those within the community.

Overall the negative impact of merging one of the holiday lets into the applicant's accommodation combined with the uncertain or minimal benefits to the local economy and community associated with using another holiday let as a rental dwelling lead to a negative impact overall. Consequently the Neighbourhood Plan policy is not satisfied and the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Beer And Branscombe - Cllr Geoff Pook

I support this application although I acknowledge that the Beer NP objective 19.4 and policy t4 oppose the loss of holiday accommodation. While the policy could be applied to all accommodation I feel there should be a differentiation between a situation where the accommodation is part of a recognised commercial establishment such as a hotel or guest house in the main commercial area of the village and where the accommodation forms a minor part of the main residential accommodation.

The loss of a commercial establishment would harm the villages tourism infrastructure and would justifiably be opposed. In this case the owner wants to scale back the holiday operation and regain space in the main house by reincorporating one unit into the main house. The second unit will be changed to full time rental residence. While this is a loss to the holiday accommodation stock it is a welcome and hopefully affordable addition to the rental housing stock which is necessary and to some part mitigates any perceived harm to tourism.

One holiday unit is retained, two are lost and one small residence gained. On balance and considering the scale I believe it is acceptable.

Further comments:

In view of my support against officer recommendation I would like the item to go to committee.

Parish/Town Council

The Committee had no objections to the application but acknowledged that the application did not accord with objective 19.4 in the Beer Neighbourhood Plan:
'To resist the loss or change of use of existing holiday facilities unless non-viability can be proven.'

The Committee agreed that the loss of holiday accommodation is minor and mitigated by the fact that one unit will become available on the open rental market which accords with policy T4 of the Neighbourhood Plan:

'The loss of tourist facilities to other uses will only be supported where: ii) the proposed alternative use would provide equal or greater benefits for the local economy and community than the current use.'

Other Representations

None received.

Technical Consultations

Devon County Highway Authority

Observations:

The change of use to holiday dwellings may increase the trip generation to this location slightly, however I do not believe the intensification in trip generation is large enough to be an unacceptable impact upon the highway.

The site layout is sufficient for dedicated off-carriageway parking and off-carriageway turning, therefore in summary the County Highway Authority has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

PLANNING HISTORY

Reference	Description	Decision	Date
77/C0042	Change of use from private dwelling house to guest house	Approval with conditions	22.03.1977
89/P1481	Extension & Garage Wing.	Approval with conditions	06.09.1989
06/1722/COU	Change of use and alterations of part garage to holiday accommodation	Approval with conditions	07.08.2006

POLICIES

Beer Neighbourhood Plan (Made)

Policy NE1 - Development and the Natural Environment

Policy NE2 - Locally Important Wildlife Sites

Policy TP2 - Car Parking

Policy TP4 - Accessibility

Policy T4 - Loss of Tourism Facilities

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 44 (Undeveloped Coast and Coastal Preservation Area)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

Garlands is located on the edge of the parish of Beer and although it is outside the Built-up Area Boundary it is part of a continuous belt of development extending from the village centre. It occupies an elevated position on the north side of the Beer to Seaton road and is in the East Devon AONB as well as the Coastal Preservation Area.

The property has been extended and subdivided and now comprises the applicant's dwelling plus three holiday lets. There is a large garden to the south and east of the building and a parking area and garage on the north side. Roads border three sides of the plot and the fourth side adjoins the neighbouring property, Bremel Hayes.

ANALYSIS

On the application site there are three holiday lets known as The Boat Shed, The Seaside Inn and The Beach House, in addition to the applicant's dwelling, Garlands. This application seeks planning permission to:

- let The Boat Shed as an unrestricted dwelling;
- incorporate The Seaside Inn into the main house; and
- retain The Beach House as a holiday let.

Background

The applicants live in Garlands and they operate The Boat Shed, The Seaside Inn and The Beach House as self-catering holiday cottages. All four are within the same building which is located on the edge of Beer but outside the Built-up Area Boundary.

The Seaside Inn and The Beach House were built following a grant of planning permission in 1989 and are subject to the following condition:

The accommodation hereby permitted shall be occupied solely for purposes incidental to Garlands as a guest house, either for staff or holiday accommodation. In the case of holiday accommodation the two self contained units shall not be occupied by any one person or family for more than four successive weeks in one year. The two units shall not be sold as separate units of accommodation.

(Reason - To ensure that the two self contained units of accommodation are not used permanently for residential purposes).

The Boat Shed is in part of the original house but it became a self-contained unit as part of the planning permission granted in 2006 and is subject to the following condition:

The development hereby permitted shall be used for holiday accommodation only and shall only be operated and serviced in conjunction with the occupation of the dwelling known as 'Garlands'.

(Reason - In the interests of amenity, and to comply with the policy of the Council for the provision of holiday accommodation in the countryside.)

Main issues

The main issues in the determination of this application are: whether the loss of holiday accommodation is compatible with the relevant tourism policies in the Local and Neighbourhood Plans; whether the development would provide acceptable living conditions; and whether the site is in an appropriate location for an unrestricted dwelling.

Loss of holiday accommodation

The proposal would result in the loss of two units of holiday accommodation and the gain of one property for rent.

Local Plan Policy E18, which seeks to retain holiday accommodation in certain parts of the district, does not apply in Beer. However, Beer Neighbourhood Plan (NP) contains the following policy:

Policy T4 - Loss of Tourism Facilities

- The loss of tourist facilities to other uses will only be supported where:
- i) it can be satisfactorily demonstrated that the tourist facility is no longer viable; or,
 - ii) the proposed alternative use would provide equal or greater benefits for the local economy and community than the current use.

In this case no evidence regarding viability has been presented but there is every reason to believe that the business is viable. In these circumstances, to satisfy the policy it would need to be demonstrated that the enlargement of one private dwelling and the creation of one unrestricted 2-bed dwelling (88.2sqm in area) would outweigh the loss of two holiday lets.

By way of background the NP explains that in 2011 around 20% of properties in Beer were holiday homes or holiday lets. By the time the plan was written in 2018 the number of holiday homes was approaching 25% (however, it is not stated whether this figure includes holiday lets and the source is also not given). The impact of holiday homes on the community is addressed in the following paragraph from the NP:

"Community consultation in recent years (see Key supporting evidence) has suggested that where market housing is developed, there is a community desire to see new homes being used for permanent occupation or short-term continual holiday lets for most of the year to eliminate predominantly empty second homes within housing estates."

Reflecting the importance of tourism to the village, the NP contains a whole chapter and five policies on the subject. It sets out a very positive message of support for the tourism industry and the overall aims and objectives could be summarised as supporting sustainable tourism growth in all forms. This echoes Strategy 33 of the Local Plan.

In terms of new holiday accommodation, it seeks to avoid the development of new second homes but promotes other types of holiday accommodation if 'demand and need' for it can be demonstrated (Policy T3). In a similar vein, Policy T4 resists the loss of holiday accommodation that is in demand (i.e. that is viable) unless the new use would provide equal or greater benefits for the local economy and community. This is a high bar given the importance of tourism and the clear support for the retention of short-term holiday letting accommodation such as that provided at Garlands.

Incorporating The Seaside Inn into Garlands would be of private benefit to the applicants and there is no evidence that it would give rise to any benefits to the local economy and community. The loss of this unit of accommodation therefore carries negative weight in the balance.

In the absence of any public benefits arising from the loss of The Seaside Inn, the acceptability of this application rests on whether any benefits associated with the use of The Boat Shed as an unrestricted dwelling would offset the harm arising from losing two holiday lets.

The only evidence provided by the applicant that there would be any benefit arising from the proposal is a brief statement on the application form which says "This would provide much needed permanent rental accommodation for someone" but this need has not been substantiated in any way.

In the absence of any evidence from the applicant, an assessment against the NP shows that it has the following aims:

- Aim 9: Increase accessibility and affordability to housing for local people.
- Aim 10: Support a supply of smaller dwellings to meet local needs.

In this instance, however, there is no evidence that the accommodation would be affordable for local people. Whilst the likely rent is not known (and has not been evidenced by advice from a local letting agent) the property would provide well-proportioned and well-appointed accommodation in a very attractive location with sea views, its own garden and off-road parking. The rent is therefore likely to be at the upper end of the scale for a 2-bed property and out of reach of those most in need of rental accommodation.

Further evidence regarding need and affordability can be found in a recent article published by the Office for National Statistics titled "House prices in tourist hotspots increasingly out of reach for young and low paid" (<https://www.ons.gov.uk/economy/inflationandpriceindices/articles/housepricesintouristhotspotsincreasinglyoutofreachforyoungandlowpaid/2021-09-28>; accessed on 8 December 2021).

The following is an extract from the article:

"Growth of tenant demand appears to be exceeding supply

UK private rents increased by 1.3% in the 12 months to August, rising to 2.0% excluding London.

The fastest rates of growth were in the East Midlands (2.7%) and the South West (2.6%), while London was the only region to record a decrease (-0.4%).

The RICS UK Residential Market Survey suggests that an imbalance between tenant demand and the supply of lettings could be contributing to the increase in rental prices.

In the three months to August 2021, RICS reported that tenant demand was accelerating while landlord instructions remained in decline.

The fall in supply of lettings was most widespread in the Midlands, the East of England and the South West.

It could be that some landlords are trying to capitalise on domestic tourism through holiday lets, leaving fewer long-term lets for prospective tenants.

This is a particular issue for those looking to rent in tourist hotspots, where rates of second home ownership are much higher than average. Research suggests that many second homes have become holiday lets during the pandemic."

Local evidence of the shortage of rental accommodation can be found by carrying out an online search. At the time of writing this report there were no properties available for rent in Beer and few in the wider area. Whilst this only represents a snapshot in time, the evidence from the ONS indicates that there is an acute shortage of property for rent, particularly for those on low incomes who make up a large proportion of renters in tourist hot spots where wages in hospitality are generally low. By way of further evidence, a local MP addressed the subject in an article in August 2021 ([Weekly column: East Devon's housing crisis is bigger than your backyard | Simon Jupp MP](#)) and Devon County Council recently issued a press release ([Cross-party vote to combat Devon's housing crisis - News](#)).

Returning to Policy T4, the test is whether there would be benefits for the local economy and community that offset the harm arising from losing two holiday lets.

In the context of an acute shortage of rental accommodation, there would be some benefit arising from the provision of a dwelling for rent. However, it is far from clear, given the high rental value, that it would be of benefit to those in the local community, which is what the policy requires. Furthermore whilst the occupants of a single dwelling would contribute to the local economy, in the absence of any evidence to the contrary, this is unlikely to be equal to or of greater value than the contribution made by the occupants of two holiday lets.

As noted earlier, Policy T4 justifiably sets the bar high for proposals that would result in the loss of holiday accommodation. In this instance it has not been demonstrated

that the provision of one dwelling for rent would bring benefits to the local economy and community that would offset the harm arising from losing two holiday lets. Furthermore, even if permission were to be granted there is no mechanism to prevent the applicants (or future owners) continuing to rent out the accommodation as a holiday let, which they may be inclined to do in view of the lucrative market currently. Consequently, any benefits that may arise are not guaranteed. In summary, sufficient benefits to the local economy and community have not been demonstrated to offset the harm and therefore the proposal is unacceptable in principle.

In reaching this conclusion it is acknowledged that the Parish Council and the Ward Member have reached a different view on the balance of harm and benefits. However, the recommendation is based on the available evidence and seeks to support the objectives of the Neighbourhood Plan as a whole. Furthermore, there is potential for similar arguments to be made across the parish and this would undermine the objectives of the tourism policies.

Living conditions

The relationship between the enlarged accommodation at Garlands and the retained holiday let would be much the same as existing. The holiday let would also continue to be managed from Garlands. This relationship is therefore acceptable.

The Boat Shed, which would become an unrestricted dwelling, is attached to Garlands but its main outlook is to the north and east whereas Garlands has a southerly aspect. Each would have their own garden and parking area and although the access from the road would be shared there would be sufficient separation of amenity spaces to ensure that the occupants of both properties would enjoy good living conditions.

Location

Policy TC2 of the Local Plan seeks to ensure that "New development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car." This is supported by Policy TP4 of the NP which has a similar objective.

Garlands is between Beer and Seaton and is situated adjacent to the boundary between the two parishes. The village centre in Beer is about 500m away and accessible on foot. Seaton town centre is just under a mile away but still readily accessible on safe pedestrian routes.

Beer has a moderately good bus service for a rural area which provides connections to Seaton and Axminster where there is a railway station. Additional services are available from Seaton.

In view of the proximity to local services and the availability of public transport, the site is considered to be in appropriate location in this instance in spite of it being outside the built-up area boundary of either settlement.

Other matters

The property is not in the AONB but is in the Coastal Preservation Area. However, the proposal does not include any built development and therefore there would be no change to the undeveloped/open status of the surrounding area.

The site is about 200m from the Jurassic Coast, the Sidmouth to West Bay Special Area of Conservation and the Sidmouth to Beer SSSI. It is also 1500m east of Beer Quarry Caves SAC. However, the proposal would not intensify the occupation of the building or give rise to greater activity on the coast or in the countryside. Therefore interests of geological and natural importance would be preserved.

CONCLUSION

In the absence of a viability argument, policy T4 of the NP requires the proposal to demonstrate that it would bring benefits to the local economy and community that would be equal to or greater than the benefits arising from two holiday lets.

In this case it has not been demonstrated that there would be any benefits arising from amalgamating The Boat House with Garlands, other than private benefits to the applicant. Therefore, it needs to be shown that the provision of one dwelling for market rent would bring equal or greater benefits to the local economy and community compared to two holiday lets.

Whilst it is acknowledged that the acute shortage of property to rent is a weighty material consideration, the NP forms the starting point for decision making and should usually be followed (para. 12 of the NPPF). This proposal has not demonstrated that:

- The occupants of one dwelling would contribute as much or more to the local economy as the occupants of two holiday lets;
- The rent for the accommodation would be affordable to those in the local community; and
- The benefits of providing accommodation for one household, who may come from outside the community, would be equal to or greater than the benefits to the community arising from tourism.

Furthermore, there is no mechanism to ensure that any benefits would be delivered and this means that the applicants could choose to continue renting The Boat Shed as a holiday let. Given how lucrative the holiday market currently is, this may be more appealing than long term letting, both to the current applicants and any future owner.

Owing to the lack of a convincing case to demonstrate compliance with Policy T4 of the Neighbourhood Plan and insufficient material benefits arising from the provision of one dwelling for rent that would outweigh the conflict with Policy T4, the proposal is unacceptable.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would result in the loss of two holiday lets and the gain of one unrestricted dwelling. However it has not been demonstrated that the provision of one dwelling for rent on the open market would deliver benefits for the local

economy and community that are greater than or equal to the benefits arising from the two existing holiday lets. Nor has it been demonstrated that the holiday accommodation is no longer viable. In the absence of adequate justification for the loss of the holiday accommodation the proposal is contrary to Policy T4 - Loss of Tourism Facilities of the Beer Neighbourhood Plan 2014-2031.

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

Location Plan 05.07.21

Proposed Floor Plans 05.07.21

List of Background Papers

Application file, consultations and policy documents referred to in the report.