

**APPEAL DECISIONS****PLANNING COMMITTEE WEST****TUESDAY 19 MARCH 2024**

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| <b>Application No:</b>       | 3/38/22/004   |
| <b>Address:</b>              | St Audries Bay Holiday Club, Track to St Audries Bay Holiday Camp, West Quantoxhead, TA4 4DY                                  |
| <b>Description:</b>          | Change of use of 1 No. bungalow and 2 No. lodges to residential use and removal of potential residential use of 19 No. lodges |
| <b>Application Decision:</b> | Delegated   |
| <b>Appeal Decision:</b>      | Dismissed   |

**The Planning Inspectorate**

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## **Appeal Decision**

Site visit made on 20 February 2024 by **C Rose BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 March 2024**

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### **Appeal Ref: APP/W3330/W/23/3317258 St Audries Bay Holiday Club, Track to St Audries Bay Holiday Camp, West Quantoxhead, Somerset TA4 4DY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr James Randle, St Audries Bay Holiday Club against the decision of Somerset Council.
- The application Ref 3/38/22/004, dated 6 April 2022, was refused by notice dated 24 August 2022.
- The development proposed is Change of Use of 1no. Bungalow and 2 no. Lodges to residential use and removal of potential residential use of 19no lodges.

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## **Decision**

1. The appeal is dismissed.

## **Preliminary Matter**

1. The appeal was submitted against the decision of Somerset West and Taunton Council. Since the submission of the appeal, Somerset West and Taunton Council have merged with other Councils to form Somerset Council. As a result, I have referred to Somerset Council in the banner heading above.

## **Main Issue**

2. The main issue for the appeal is whether the bungalow and 2 lodges (the 3 units) are in a suitable location for unfettered residential development having regard to the local development strategy.

## **Reasons**

3. Policy OC1 of the West Somerset Local Plan to 2032 (November 2016) (LP) sets out the strategy for development in the open countryside. It defines the countryside as land not adjacent or in close proximity to the major settlements, primary and secondary villages. The policy states that development is not generally appropriate in the open countryside other than in exceptional circumstances where it is beneficial to the community and local economy.
4. Policy OC1 further states that development in the open countryside will only be permitted where it is for an essential worker, comprises the conversion of buildings for employment, tourism or live-work development, comprises newbuild to benefit existing employment, meets an ongoing need for affordable housing, or is an affordable housing exception scheme. Other types of residential development not covered under Policy OD1 of the LP, are therefore directed to the major settlements and villages that would provide better access to a greater range of services and facilities and reduce journey numbers.
5. The appeal site is located within the countryside a significant distance from the closest settlements. Walking or cycling to these settlements would necessitate the use of a busy A-road with limited designated footways and limited street lighting. In light of the limited footways and lighting and given that access to a wide range of services and facilities requires journeys of time and length, the appeal site is not in an accessible location served by a range of services and facilities with reliance on the car increasing journey numbers.
6. While I appreciate that the existing occupiers of the 3 units may also rely on the use of the car, as the occupation of the units is tied to management of the holiday park, there are wider benefits from their location on the site and their occupation does not necessitate travel by car to the main place of work thereby reducing journey numbers. While I acknowledge that the existing occupiers of the 3 units could remain on site if planning permission is granted, it would also be possible

for the 3 units to be sold and be occupied by others that would not have a connection to the holiday park.

7. In light of the above, and as the appeal is not for an essential worker, is unrelated to tourism, would not benefit employment, is not for affordable housing and I have not been provided with compelling evidence of any benefit to the community and local economy, the proposal is contrary to Policy OC1 of the LP.
8. The appellant has drawn attention to two key points to Policy SD1 of the LP. However, they are not directly relevant to the proposal given that they relate to the presumption in favour of sustainable development with regard to circumstances where there are no relevant development plan policies, or the policies are out-of-date. In this instance, Policy OD1 is a relevant policy and neither party has provided me with evidence demonstrating that the policy is out-of-date.
9. Given that the 3 units already exist, any support from the proposal for the vitality of the rural community or support for services in nearby villages as detailed in paragraph 83 of the National Planning Policy Framework (the Framework) would be very limited.
10. In conclusion, the appeal site is not an appropriate location for unfettered housing, with particular regard to the local development strategy. As such, the proposal is contrary to Policy OC1 of the LP and the Framework that promotes sustainable transport, promotes opportunities for walking, cycling and public transport use and to limit the need to travel. I give this conflict significant weight.

### **Other Considerations**

12. There is no dispute between the main parties that the grant of planning permission for the 19 caravan bases and associated works in 2015<sup>1</sup> (the lodges) allows for the unrestricted occupation of the 19 lodges currently on that part of the holiday park. I have no reason to disagree.
13. As a result, the appellant states that there would be a benefit from the proposal owing to the offer of relinquishing the occupation of the 19 lodges as unrestricted residential accommodation. The appellant offers to achieve this via an appropriate legal agreement that would retrospectively apply restrictive occupancy control on the 19 lodges/caravan bases.
14. However, the 19 lodges are currently being used as holiday accommodation. Given this and given that the lodges have limited private outdoor space, are positioned in close proximity to each other and are located within the wider holiday park, this significantly limits their attractiveness and the likelihood of their use as unrestricted permanent residential accommodation. Moreover, the location of the site divorced from a range of services and facilities off a narrow lane serving the holiday park further reduces the likelihood and their attractiveness. In light of this, and in the absence of compelling evidence to the contrary, I am not convinced that there is a reasonable prospect of the occupancy of the 19 lodges as unrestricted permanent residential accommodation being anything other than a theoretical possibility.

15. While the relinquishing of the occupation of the 19 lodges as unrestricted residential accommodation could in theory result in a reduction in journeys in a location reliant upon the use of the car, in light of the above, and in the absence of a suitable mechanism in place to secure this, I give it very limited weight.

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<sup>1</sup> 3/38/14/005

16. Moreover, as I have found above that there is no reasonable prospect of the caravans being occupied as unrestricted permanent residential accommodation, it follows that an appropriate legal mechanism would be unlikely to result in a reduction in travel that would make the proposal acceptable in planning terms. For the same reason and given that the 19 lodges are located a considerable distance from the 3 units with only an indirect relationship to them by virtue of the occupiers of the 3 units managing the wider holiday park, I do not find the relinquishing of the occupation of the 19 lodges as unrestricted accommodation directly related to the proposal for the 3 units. Additionally, I do not find the removal of the restriction on the 3 units, replaced by the imposition of restrictions on a far greater number of units fairly and reasonably related in scale and kind. As a result, the proposal would fail to meet the three tests for planning obligations as set out in Regulation 122(2) of the Community

Infrastructure Levy Regulations 2010 and in paragraph 57 of the Framework.

17. Any desire of the occupants of the 3 units to sell the holiday park and to remain on site are personal matters of very limited weight. In any case, as mentioned above, there would be nothing stopping the occupants selling the properties in the future to people unrelated to the holiday park. Furthermore, relinquishing manager/staff accommodation could simply result in the need for further accommodation in the future.

## **Conclusion**

18. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

C Rose

INSPECTOR

