

Appellants response to LPA's comments re: Cost Award

Decision Notice

- 1.1 The point the appellant is trying to make is that throughout the extended process the issue of holiday use was only brought to the applicants/agents attention two weeks prior to the Committee Meeting in September 2018 - some three/four months after the application was submitted and pre-application discussions had taken place.
- 1.2 The decision to challenge 'holiday use' was made by the LPA outside of the statutory 8-week deadline.
- 1.3 Up until two weeks prior to planning committee the application had been considered with holiday use included.
- 1.4 The agent did acknowledge the issue two weeks prior to planning committee when the recommendation was made not to include 'holiday lets' in the committee report title which would be seen by Members. Unfortunately, neither the applicant nor his agent was able to attend the Committee meeting.
- 1.5 With a decision notice issued with 'holiday use' mentioned in the development description and no reference made to its removal in the committee minute and the Parish letter (notifying them of the decision where holiday use is mentioned) it is therefore considered that consent is granted with 'holiday use' included and that Members had in fact approved a replacement building with both uses (local occupancy and holiday use).
- 1.6 Based on the title of the planning approval the client has therefore made commercial plans/decisions regarding future lettings and marketing of the property.
- 1.7 With the LPA now saying that this isn't the case and this being down to a series of admin errors there is concern that such errors could have taken place throughout the course of the application.

Pre-Application Advice

- 1.8 The appellant is in agreement that during several rounds of pre-application discussions 'holiday use' wasn't mentioned and the advice focussed more so on the scale, design and volume of the replacement unit.
- 1.9 This confirms that at this stage and up until late in the application process that 'holiday use' hadn't been a consideration made by the LPA who had invited an application for a replacement structure under Development Policy 21 which included two uses.
- 1.10 The LPA were aware that the existing dwelling was permitted with holiday use by virtue of the planning history, therefore if a current use was to be removed by them it would be expected that this would have been mentioned.

- 1.11 The issue of holiday use is fundamental to the future use of the premises.
- 1.12 During pre-application discussions the LPA advised that the replacement building should take on a temporary appearance and were directed to look at timber structures nearby which have been brought to the Inspectors attention in an earlier email. The cabins that are located nearby are consistently used for holiday purposes and similarly are permanent structures made to look temporary.
- 1.13 Are the LPA saying that a lesser and/or poorer quality of accommodation would therefore be acceptable for holiday use but not for permanent uses. Surely all types of development in the National Park must be of a high quality and that should include holiday accommodation.

Application Process

- 1.14 It is the appellants view that all the way throughout the application process and up until two weeks prior to the planning committee that the application was progressing through the planning system as it had been applied for.
- 1.15 Two days after receipt of the application, the LPA had accepted the development description should include 'holiday use' and that this was the description used in the title of all future correspondence to the applicant/agent including the validation letter.

Dual Use

- 1.16 The LPA state that no such dual use permission has been granted in relation to replacement dwellings as these are considered against Development Policy 21. If this is the case, then why was the development description specifically adjusted to include 'holiday use' two days after receipt of the application and categorically why wasn't this issue mentioned during pre-application discussions.
- 1.17 The appellant confirms that he has no issue with the local occupancy restriction, but he wishes the application to be determined with both uses included as discussed with the LPA.

Appellant

- 1.18 With all the documentation that was received by the agent post planning committee specifically referring to 'holiday use' the appellant had no reason to doubt holiday use wasn't included:

Those documents are:

- Committee minutes – if holiday use was an issue why wasn't it mentioned in the committee minute
- Decision notice – refers to holiday use

- **Letter to Parish Council notifying them of the outcome of the decision – the same issue wasn't mentioned in the correspondence however the development description on the Parish letter had at this point been altered by the LPA removing reference to any holiday use.**

- 1.19 It was during those 'several weeks' after the decision was issued that commercial decisions have been made to promote the future use of the unit for 'dual use' i.e. from Nov 2018 to the present time.
- 1.20 It is considered that the title of the planning consent does permit holiday use and the decision notice overrules the about turn on the LPA's part. It was during the latter part of November that the appellant and his agent flagged up the issue and employed the services of a Planning Consultant to take this issue forward with them.
- 1.21 A request for a meeting was forwarded to the LPA and a meeting with the LPA's solicitor was subsequently declined and it was suggested that the only way forward was by way of an appeal.