
Appeal Decision

Hearing held on 23 July 2014

Site visit made on 23 July 2014

by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 August 2014

Appeal Ref: APP/Y3940/A/14/2218515

**Youth Hostels Association, Milford Hill House, Milford Hill, Salisbury
SP1 2QW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Genepi Property Ltd and Youth Hostel Association against the decision of Wiltshire Council.
 - The application Ref 13/05286/FUL, dated 23 October 2013, was refused by notice dated 23 January 2014.
 - The development proposed is demolition of single storey extensions to Milford Hill House and external fire escape; demolition of manager's bungalow, deputy manager's bungalow and timber lodge building; refurbishment of Milford Hill House to create 4 two-bed apartments and construction of 11 two-bed houses; erection of garage blocks; estate office and gardener's store; provision of parking; refuse store; access gates and landscaping.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect of the proposed development on the availability of budget sector leisure accommodation in Salisbury.

Background

3. Milford Hill House is a Grade II listed villa set in extensive wooded grounds a few minutes' walk from Salisbury city centre. The building and outbuildings have been operated as a hostel by the Youth Hostels Association (YHA) for approaching 60 years and currently provide 70 bed spaces. The visitor accommodation is located within the main house or villa and also in a detached outbuilding. At the time of my visit there was also camping in the gardens and the occupation was probably close to capacity. The hostel (SYH) provides a wide range of facilities including an on-site cafeteria, common room, bar facilities and self catering kitchen equipment.
4. The building appears to be in sound structural condition but shows signs of lack of basic maintenance, and redecoration has not been undertaken for at least 10 years. The YHA say that the visitor offer at SYH does not meet the required standard and is in an outdated configuration with many multi-bedded dormitories. Moreover updating to provide more family rooms and en-suite

facilities is impractical and uneconomic. Accordingly it is not feasible to continue the hostel use in the current building.

5. Listed Building Consent¹ has been granted for the works and the Council's objections to the proposal are limited to the loss of the hostel use and a lack of arrangements to facilitate off-site affordable housing.

Reasons

6. Core Policy 23 of the *South Wiltshire Core Strategy 2012* (SWCS) says that proposals for the change of use of existing bed spaces provided in hotels or public houses or conference facilities to alternative uses will be resisted, unless it can be clearly demonstrated that there is no longer a need for such a facility. The replacement Core Policy Strategy is currently subject to ongoing examination but the proposed replacement Policy 40 has similar wording and therefore I do not need to consider the emerging policy further in my decision.
7. The YHA concede that there is a need for a hostel in the locality. Over 15,000 over night stays took place during 2013/14 which amounts to a 59% occupancy rate, significantly above the national average, although less than other hostels in major city centre locations. Moreover a long term aim of the YHA Board is to provide a larger hostel in central Salisbury with a capacity of 120 bed spaces. Such an alternative has not been secured, nor has a suitable site been identified.
8. But it is argued that SWCS Core Policy 23 does not apply to hostels because these are not specifically referred to in the policy and are a use which does not fall within a specific use class² (Sui generis use). Therefore as a matter of fact, in planning law, there is a differentiation between hostels and hotels.
9. I accept that hostels are a sui generis use. But the term hostels covers a wide variety of forms of accommodation and whilst any material change to another use, including use as an hotel, may well require planning permission, in my view this is not a conclusive factor in determining whether SWCS Core Policy 23 applies. To my mind the character of the use of SYH and the purpose of the policy are also important considerations.
10. SYH is operated by the YHA and thus is governed by its Charitable Objective which is "to help all, especially young people of limited means to a greater knowledge, love and care of the countryside, and appreciation of the cultural values of towns and cities, particularly by providing youth hostels or other accommodation for them in their travels, and thus to promote their health, recreation and education". Thus the central aim and the character of the use are to provide accommodation for travellers. The dictionary definition provided at the Hearing for an hotel is "establishment providing accommodation, meals, and other services for travellers and tourists, by the night"³. I find no cogent distinction between the underlying character and purpose of the facility provided by the YHA and budget hotel operators because both seek to provide affordable accommodation for travellers.
11. As to the purpose of the policy, it is common ground that SWCS Core Policy 23 is directed at providing and protecting tourist accommodation and in this case

¹ Ref 13/05444/LBC dated 23 January 2014

² Article 6(i) *Town and Country Planning (Use Classes) Order 1987 (as amended)*

³ Paragraph 6.9 Statement by Wiltshire Council

the YHA is clearly providing such bed spaces. Therefore, it would not be appropriate to make a policy distinction between the Milford Hill House bed spaces and any other tourist bed spaces. Consequently the appeal proposals should be considered in the context of the underlying aims, purpose and target of SWCS Core Policy 23. For this reason I do not agree that the policies of the Development Plan are absent or silent in respect of the appeal proposals.

12. There is clear up to date evidence that demand for tourist accommodation in Salisbury particularly in the budget market is increasing and the loss of the hostel has to be considered in this context. Whilst the contribution the SYH makes to the local economy may have been over estimated it is still significant. Although I heard that a new hotel has recently been approved in the city there is no evidence that this would provide similarly affordable accommodation.
13. I give little weight to the claim that the travellers who currently use the SYH would stay in other accommodation in the city because this would be likely to be more expensive and generally unsuitable for groups. Moreover in the peak summer months I heard that other accommodation tends to be over-subscribed. Neither does the suggestion that hostellers could be diverted to Cholderton Hostel appear to be a suitable alternative as this is outside the city and not readily available to the significant proportion of travellers who rely on public transport or cycling. I also heard that the long term retention of this hostel is at risk. Consequently I conclude that the proposals do conflict fundamentally with the aims of adopted policy because, as a matter of fact, they would result in the immediate loss of 70 bed spaces in a convenient and sustainable location.
14. But the YHA say that even if this is the case then, irrespective of need, the continued use of Milford Hill House as a hostel is completely unsuitable, because, amongst other matters, of falling standards, difficulties in upgrading the hostel to meet modern needs because of its listed status, costs of maintenance and financial constraints. Moreover I heard other configurations of accommodation are not financially feasible and the YHA say that a 70-bed hostel is not a cost effective model. Thus although the SYH returns a small profit annually, it is suggested that disposal is the only realistic option for the future.
15. Following a marketing campaign in 2012, over 50 expressions of interest were received including the joint appellant, Genepi Property, and a third party wishing to continue the hostel use. The YHA said that the former offer was considerably greater than that of the hostel operator but the limited financial information provided to the Hearing is inconclusive. In these circumstances I find I can put little weight on the financial arguments in my decision. However, it does appear that both offers were above existing use value, potentially advantageous to the YHA and probably capable of meeting the best value requirements of the Charities Act 2011. Accordingly, it seems to me that the aims of SWCS Core Policy 23 are not outweighed by viability concerns.
16. For the reasons I have given I find there is serious conflict with the aims of SWCS Core Policy 23 and emerging Core Policy 40 which seek to retain existing tourist accommodation including that in the budget sector in Salisbury. I also find that the loss of SYH would be contrary to the support for sustainable development in the National Planning Policy Framework (the Framework) because it is located close to the town centre and provides for travellers who

seek to obtain accommodation accessible by public transport. Accordingly the conclusion on the main issue weighs heavily against permission.

Other matters

17. The appeal site is in Salisbury Conservation Area (SCA) so that I have to consider the effect of the proposals on the character and appearance of the SCA and also their effect on the listed Milford Hill House and its setting.
18. I agree that the proposed development would enable the removal of various outbuildings and features that detract from the character and appearance of the listed building. Moreover the underlying ethos of the design seeks to ensure that the grounds around the villa would be kept intact and managed as a whole thereby preserving the setting of the listed building and the character of the wider SCA. I also accept that the design would ensure that the development would be discreet and subservient to the main house. All of these are benefits. Taken as a whole I find that the development would preserve and enhance the heritage assets.
19. There was conflicting evidence to the Hearing in respect of the availability of housing land and whether or not the Council has identified a robust 5 year supply. I understand that this is the subject of an on-going examination of the emerging Core Strategy. But I was given no evidence of any preliminary or other conclusions by the Examining Inspector in respect of this matter. In any event the contribution of the proposed housing, which would be modest when considering the Council area as a whole, has to be balanced against the need for tourist accommodation.
20. The Council also refused the application because of a need for waste and recycling contributions to offset the effect of the development and provide for a commuted sum to facilitate off-site affordable housing. Such an undertaking was provided at the Hearing and the Council is content that this addresses the second reason for refusal. The Council has demonstrated that the tests of Section 122 of the *Community Infrastructure Regulations 2010* have been met⁴. Had I found that the proposed development to be acceptable I am satisfied that the submitted unilateral undertaking would have overcome this reason for refusal.

Conclusion

21. I accept that the proposed development would preserve and enhance the designated heritage assets and would provide 15 dwellings in a sustainable location. I also acknowledge that the submitted Unilateral Undertaking would help to facilitate the provision of affordable housing. But neither these nor any other benefits claimed including improvements to bio diversity and the garden setting, outweigh the serious loss of tourist accommodation for the budget sector and in a climate of existing and projected need there is no justification to set aside adopted policy. Accordingly for the reasons I have given and having taken account of all other matters raised, the appeal is dismissed.

Sukie Tamplin

INSPECTOR

⁴ Paragraph 204 of the *National Planning Policy Framework* also refers.

APPEARANCES

FOR THE APPELLANTS:

Stuart Garnett	Planning Consultant Savills
Richard Wickins	Development Surveyor Savills
Simon Brister	Solicitor and Estates Manager YHA
Henry Thornton	Genepi Property

FOR THE LOCAL PLANNING AUTHORITY:

Charlie Bruce-White	Planning Officer, Wiltshire Council
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INTERESTED PERSONS:

David Andrews	Chief Executive VisitWiltshire
Cllr Margaret Willmott	Salisbury City Council
Cllr Matthew Dean	Salisbury City Council
Jonathan Bryan	Discover Adventure
Philip Walker	Formerly of Salisbury Tourist Information Centre
Roger Clarke	Local Resident and YHA member
Eileen Pennells	Local Resident

DOCUMENTS

- 1 Unilateral Undertaking submitted by the appellants
- 2 Bundle YHA visitor documents submitted by Mr Clarke
- 3 Wiltshire and Swindon Visitor Accommodation Futures: Final Report and Appendices submitted by Mr Andrews
4. Marketing brochure: Cognatum, submitted by the appellants

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