
Appeal Decision

Hearing held on 30 July 2014

Site visit made on 30 July 2014

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 9 September 2014

Appeal Ref: APP/T2350/A/14/2216041

Higher Flass Farm, Settle Road, Bolton by Bowland, Clitheroe, BB7 4NY

- 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 Mr and Mrs Marsden against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2013/0445, dated 26 April 2013, was refused by notice dated 27 September 2013.
 - The development proposed is the conversion of barn to form agricultural workers accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether or not the proposed residential use of the building is justified, having regard to the aims of national and local planning policies and guidance which seek to restrict new housing development in the countryside.

Background

3. The appeal relates to a detached barn that is in a remote countryside location, within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). It is situated on the eastern side of Settle Road, and adjacent to a recently constructed agricultural building, and the Higher Flass Farmhouse which is in separate ownership.
4. The farmstead extends to approximately 110 acres, however the appellants own 20 acres and rent the remainder. At the Hearing I was informed that Higher Flass Farm has been owned by the appellant's family for the last 90 years, however the farmhouse was sold over 60 years ago and since then there has been no on-site living accommodation other than a caravan.
5. The enterprise predominantly comprises beef and sheep farming, which over the last 11 years has been mainly managed by Mrs Marsden's Mother. However the appellants now also work on the farm, sharing the workload, in addition to holding other full-time jobs. At the Hearing I heard that the appellants live approximately 9-10 miles away from the appeal site and that Mrs Marsden's Mother lives around 8 miles away. They all have to commute to

the site a number of times during the day and Mr Marsden stays overnight in the caravan or his car during lambing times.

6. The appellants indicate an intention to introduce additional livestock onto the holding if a dwelling was permitted and that an on-site presence for such a larger number of livestock would be required. Were the dwelling permitted it is intended that Mrs Marsden would leave her current employment to manage the enterprise full-time.

Reasons

7. In supporting sustainable development, the Framework seeks to avoid isolated homes in the countryside other than in particular circumstances. These are set out in paragraph 55 and include reference to situations where there is an essential need for a rural worker to live permanently at, or near, their place of work in the countryside, where the re-use of redundant or disused buildings would enhance the immediate setting, if there would be exceptional or innovative design, or where such development would represent the optimal viable use of a heritage asset. At the Hearing both parties agreed that whilst the relevant policies within the Local Plan were adopted prior to the publication of the Framework, they are generally consistent with it.
8. In regards to essential need the Framework cancelled guidance within Annex A of PPS 7: *Sustainable Development in Rural Areas*, which amongst other matters, set out a tried and tested methodology for assessing if there was an essential need for an agricultural worker's dwelling on a holding. These were the functional and financial tests.
9. At the Hearing, the Council's position was that the proposal would still need to satisfy the functional and financial tests. On the other hand, the appellant argued that whilst these tests are still being used, they are not in the Framework, do not hold the same weight as before, and are not the only way that essential need can be considered.
10. Nonetheless, both parties have referred to Annex A in their evidence, and given that the main thrust of the Framework is to achieve sustainable development, it is reasonable to consider the functional need and financial viability of the rural enterprise.
11. To this end, it was argued by the appellants that work often needs to be carried out during anti-social hours, given the need for general animal husbandry and care. I was informed at the Hearing that lambing, calving and rearing take place at various times throughout the year, as well as the housing of cattle during the winter, and that supervision is required for the animals' welfare and in emergencies. This includes the risk of accidents to cattle from the nearby busy Settle Road highway. Improvements to the level of security were also put forward as a reason for a 24 hour presence on the site.
12. I have little doubt that a presence on site late at night is required on occasions. However, no detailed information about the number of animal births, injuries, deaths or the number and duration of evening and night time visits are before me. The appellants' commitment to farming in the area is not questioned and whilst I appreciate that a new agricultural building has recently been constructed, little detailed information about the intended additional livestock and expansion plans have been provided, and whether the barn would be

- surplus to requirements should it expand. I am therefore unable to attach much weight to the possibility of expansion.
13. I have also taken into account that there is often an inherent risk to security on agricultural premises which contain valuable livestock and machinery. However, no records of any incidents have been provided to substantiate the security risk, or of costs to either the appellants' business or the wider agricultural community. Whilst I appreciate that on-site presence would be beneficial, the security risks do not justify the need for someone to reside permanently on site.
 14. I accept that the locations of the appellants' and Mrs Marsden's Mother's houses detached from the farm are inconvenient and that the repeated journeys are time consuming. A house on site would make these late vigils much easier for them and would reduce car journeys. It was also agreed by the parties that the Higher Flass Farmhouse and other properties in the area would not be affordable. However, while it may be inconvenient, it appears that the present level of activity can be managed from their existing houses. I am also mindful that the current enterprise has operated for the last 60 years without any on-site residence, other than the caravan.
 15. Although there are differences between the main parties' respective labour requirement assessments, they both calculate a labour requirement of less than one full time worker on the site. These calculations are based on the current nature and scale of the enterprise. Indeed, the appellants' agricultural statement accepts that the holding would have to expand further to reach the level of one worker.
 16. The information available to me about the matters above, and about the restraint that the present situation imposes on the appellants' intentions to expand their business, are therefore not at present sufficient to convince me that there is a functional need for a permanent residential presence.
 17. Furthermore, whilst the appellants' submitted financial information indicates that the enterprise has been profitable over the last 3 years, these profit levels are small. The construction costs of the conversion are intended to be funded by the sale of the appellants' existing home, and I was made aware that they do not have a mortgage, however it is the unit and activity concerned which must be profitable of itself. I am also mindful that both of the appellants have other full-time jobs. The profit levels of the enterprise therefore only contribute a small amount to the current household income as a whole. Although Mrs Marsden confirmed at the Hearing that she would leave her current job to manage the enterprise full-time, the levels of profit and return from the business, as shown in the submitted financial information, would not cover a reasonable living wage.
 18. As such the submitted evidence does not show that the business would be capable of supporting the conversion of the barn and sustaining it in the long-term. Accordingly, I do not consider there to be an essential need for a rural or agricultural worker to live permanently at this building.
 19. Nonetheless, it has been put to me that the proposal would comply with two other exceptions contained within paragraph 55 of the Framework. These are that it would re-use a redundant or disused building that would lead

to an enhancement of the immediate setting and that it would represent the optimal viable use of a heritage asset.

20. To this end, the Framework is clear that great weight should be given to conserving landscape and scenic beauty of Areas of Outstanding National Beauty (AONB), which have the highest status of protection in relation to landscape and scenic beauty.
21. The parties disagree about whether the barn is redundant, however it was clear that this building was no longer being used for animals and was empty at the time of my site visit. A structural survey also demonstrates that the building is structurally sound.
22. Whilst it is proposed to remove some existing lean-to extensions from the barn, and these may be of an unattractive utilitarian appearance, they reinforce the rural and agricultural character of this group of buildings. Although there would be no further encroachment into the countryside, as the existing enclosed rear yard area would be retained, the numerous window and roof openings would be apparent and in addition, prominently lit up at night, fundamentally changing its character from an operational farm building in the open countryside to a residential dwelling. This impact would be further exacerbated by the garage extension, the parking of cars, storage of bins and other domestic paraphernalia within the curtilage.
23. On my site visit I saw that views of the building from the nearby public footpath would be partially screened due to the presence of the large new agricultural building, however it would still be seen. Furthermore, the removal of the lean-to building along its frontage would open up the views of the building, and its new openings, particularly at first floor level would be readily visible along Settle Road. It would therefore not be returned to its original form or enhance the immediate setting.
24. Whilst there is no presumption against minor development in AONBs in the Framework the changes to the appearance of the building, and the domestication of its surroundings would not serve to conserve or enhance the scenic beauty of the AONB.
25. I also appreciate that Draft Core Strategy Policies DMG2 and DMH4, amongst other matters, collectively seek to promote the re-use of existing buildings if they are not isolated in the landscape, and form part of an already defined group of buildings. However both of these Draft Core Strategy Policies also require no materially damaging effect on the landscape qualities and character of the area. For the reasons given above, it is considered that the proposal fails to achieve this.
26. In terms of the proposal representing the optimal viable use, the Council confirmed at the Hearing that it was not locally listed. Whilst it is of 19th Century origin it has been altered over the years and I do not consider it to be of such heritage significance as to constitute non-designated heritage asset status. This bullet of paragraph 55 of the Framework is therefore not considered to apply in this case.
27. Furthermore, there are not any important local services or facilities such as schools, shops, or health centres within the vicinity of the appeal site. Whilst the proposal would be located adjacent to an existing dwelling, this is

the only residential property for some distance. I therefore consider that the lack of facilities and services in the area would be very likely to result in future occupiers relying heavily on the private car for the majority of their journeys. As such the proposal would be in an isolated inaccessible location.

28. I conclude that the proposed residential use of the building is not justified, having regard to the aims of national and local planning policies and guidance which seek to restrict new housing development in the countryside. The proposal would therefore conflict with the aims of Local Plan Policies ENV1, G5, H15, H17 and H2, Draft Core Strategy Policies DMG1, DMG2, DMH3 and DMH4 which I consider to have the same thrust, and similar objectives in paragraphs 17, 55 and 115 of the Framework. Collectively these seek, amongst other matters, to protect, conserve and enhance the landscape and character of the Forest of Bowland AONB, and to avoid new isolated homes in the countryside.
29. Even though The Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley Regulation 22 Submission Draft (Draft Core Strategy) is yet to be adopted and has no statutory force, given it is at an advanced stage of examination, and with the agreement of the parties, I have given the Draft Core Strategy Policies DMG1, DMG2, DMH3 and DMH4 some weight as material considerations. The thrust of these policies are consistent with those in the adopted Ribble Valley District Wide Local Plan 1998 (Local Plan) which the application was determined against.

Other Matters

30. The Council accepts that it does not have an identifiable five-year housing land supply. Government policy set out in paragraph 49 of the Framework is that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
31. The policies that the Council cites in its decision notice relate to character and appearance and the protection of the countryside, and they are not specifically policies for the supply of housing. These policies are consistent with the objectives of the Framework and are therefore not out-of-date; as such, the fourth bullet point in paragraph 14 of the Framework is not engaged.
32. The appellants consider the proposal to represent a sustainable development. However the objective of "achieving sustainable development" in the Framework has 3 dimensions, which are economic, social and environmental roles that are expected to be delivered equally.
33. Whilst I recognise that the existing building would be re-used, I have found the proposal to harm the character and appearance of the surrounding area, and to be likely to be dependent on the use of a private car due to its isolated location. As a result it would not satisfy the economic and environmental roles of sustainable development. I also have had regard to the contribution, albeit modest, that the proposal would make to tackling the undersupply of housing land in the borough and recognise that a family with historical ties would return to this rural parish. However I do not consider these benefits to be so significant as to fulfil the Framework's social dimension. The proposal would thereby not constitute sustainable development.

34. In support of their case the appellants have referred to recent permitted development right changes for barn conversions. I also note that the Parish Council have not raised any objections to the proposal. Nonetheless, the permitted development rights are not available in a National Park, the Broads or an AONB and a lack of objection is not a determining factor in this appeal. There is also little evidence to substantiate the possibility that the barn would fall into disrepair. As such these factors do not overcome or outweigh the harm that I have found this development would cause.
35. For the reasons given above, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss Shelley Coffey BA(Hons) MCD MRTPI	Planning Consultant
Mrs Caroline Sunter BSc(Hons) MRICS	Rural Chartered Surveyor
Mr John Marsden	Appellant
Mrs Lyn Marsden	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Miss Claire Booth	Assistant Planning Officer at Ribble Valley BC
Mr Nicholas Bower MRICS FAAV	Chartered Surveyor Lancashire County Council

DOCUMENTS AT THE HEARING

1. Planning Appeal report by Iain N Bower dated June 2014
2. Ribble Valley Borough Council Development Strategy April 2014