



Appeal Decision

Site visit made on 11 January 2012

by **Kay Sheffield BA(Hons) DipTP MRTPI**

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

Decision date: 26 January 2012

Appeal Ref: APP/T2350/A/11/2163167

Marl Barn, Tosside, Skipton, North Yorkshire, BD23 4SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Jonathon Parker against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0164, dated 2 March 2011, was refused by notice dated 6 May 2011.
 - The application sought planning permission for the conversion of barn to a pair of semi-detached holiday cottages without complying with a condition attached to planning permission Ref 3/2005/0245, dated 10 May 2005.
 - The condition in dispute is No. 13 which states that: *"The unit(s) of accommodation shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of all lettings shall be kept and made available for inspection by the Local Planning Authority on an annual basis"*.
 - The reason given for the condition is: *"In order to comply with Policies G1, G5, ENV1 and RT3 of the Ribble Valley Districtwide Local Plan. The building is located in an area where the Local Planning Authority would not normally be minded to grant the use of building for a permanent residential accommodation"*.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the disputed condition is reasonable and necessary with regard to the location of the development in the open countryside and its effect on the character and appearance of the area.

Reasons

3. The appeal site lies in open countryside within the Forest of Bowland Area of Outstanding Natural Beauty and the appeal property is located approximately 300 meters to the south of the B6478 from which access is derived via a single width access track across an open field. The appeal property is a stone barn which is in the process of being converted into two holiday units.
4. The land immediately surrounding the building includes an area of hardstanding for parking and turning and space for a private garden and it is separated from the adjoining fields by a stone wall. There is also a portal framed steel clad agricultural building in close proximity to the barn and a nearby paddock has been laid out for use as a caravan site. This use is

operated under a certificate issued by The Camping and Caravanning Club which allows up to five caravans or motorhomes and ten tents on the site at any one time.

5. The appellants contend that there has been a fall in the demand for holiday let accommodation in the area which causes them concern regarding the viability of the use of the barn for holiday lets. In contrast they contend that the demand for use of their caravan and camping site is growing. However as they do not have a permanent presence on the site and there is a need to keep the site secure, they can only accept advance bookings and are unable to take advantage of passing trade. The appellants state that this is an obstacle to developing their tourism business and they are therefore seeking the amendment of the condition in order to allow the permanent occupation of one of the units which would give them the ability to maintain a presence on the site.
6. Although it is acknowledged that this would help make the site available to passing trade, no evidence of the level of demand for the caravan and camping site since it started operation or the anticipated level that might be expected if the condition were to be varied has been submitted.
7. Whilst saved Policy H23 of the Ribble Valley Districtwide Local Plan, 1998 (LP) recognises the need in some instances to remove a condition restricting occupation to tourism uses, it states that this would be refused unless the proposal conforms to normal development control policies. The policy goes on to cite saved Policies G5, H2, H15, H16 and H17 and the reasoned justification states that an application which would conform to housing policies set out in the plan will normally be approved.
8. Policy H2 of the LP allows for the conversion of buildings to new dwellings in the open countryside subject to certain criteria, with Policies H15, H16 and H17 providing more detailed insight into these specific criteria. The Council has not indicated that the proposed variation of the condition to allow permanent occupation would be contrary to the main requirements of these policies but states that the key consideration is the explanatory text to Policy H15. This states that "the conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable. Problems arise however where isolated buildings such as barns are proposed for conversion. The local landscape can be damaged and a degree of urbanisation imposed on an otherwise wholly rural view. This is linked to additional factors such as garden areas, car parking facilities, garages, sheds, even the presence of washing lines which are totally out of keeping within the rural setting of a building".
9. The Council has concluded that the barn is in an isolated position and on these grounds its conversion to permanent residential occupation would be unacceptable. However, the appellants contend that a rural building being within a defined group is not a prerequisite to its conversion to permanent residential accommodation but rather that the wording demonstrates a concern that the conversion of isolated barns has the potential to damage the local landscape.
10. Whilst the explanatory text to Policy H15 does not specifically state that the conversion of buildings which are not within settlements or which do not form part of already defined groups would be unacceptable, the Council considers it to be implicit in the wording and I tend to agree. In the absence of any

evidence to suggest that the alternative interpretation put forward by the appellants has been applied by the Council in other similar cases or accepted on appeal, I am accepting the Council's interpretation of the policy and the explanatory text in my determination of the appeal.

11. The appeal property is remote from any settlement and the nearest property, Brockthorne Farm, lies approximately 400 metres to the north. Whilst the appeal site houses both the partially converted barn and steel framed agricultural building, they do not form a defined group of buildings as required by Policy H15 of the LP. The buildings are therefore isolated and not functionally associated with other buildings and on this basis the variation of the condition to allow the permanent occupation of one of the units would not fulfil the requirements of Policy H23 of the LP.
12. The appellants in their statement have drawn comparison with a case at High Laithe Barn¹ which the Council, in allowing the use of two holiday cottages for permanent occupation, assessed as being within a defined group. Whilst there would appear to be similarities between this case and the appeal, from the limited details given it would appear that the building is more closely related to other existing buildings, which allowed the Council to conclude that it formed part of a defined group. The similarities between the two cases would therefore appear to be limited and on the basis of the information before me would not warrant allowing the appeal.
13. It is accepted that the Council has allowed the change of use of other holiday properties and former barns in rural areas to permanent residential occupation and that there are similarities between these cases and the appeal site with regards to location. Whilst the number of such consents may suggest a lack of demand for or an oversupply of this type of accommodation, it does not confirm that there would not be demand for the units at the appeal site should they be completed and available to let.
14. It is noted that the Council does not have a five year supply of housing land. Although paragraph 71 of Planning Policy Statement 3: *Housing* (PPS3) advises that in this situation favourable consideration should be given to housing applications, paragraph 69 requires regard to be given to the suitability of the site for housing, including its environmental sustainability and ensuring the development is in line with planning for housing objectives and does not undermine wider policy objectives. In view of the isolated position of the site and its distance from local amenities, despite the B6478 being on a bus route, the use of part of the barn for permanent occupation would be contrary to local and national policies.
15. Whilst the Draft National Planning Policy Framework encourages the increased supply of housing it also states that isolated homes in the countryside should be avoided unless there are special circumstances. Although one of the special circumstances cited is the re-use of redundant or disused buildings, this has to be weighed against the advice in paragraph 112 that to promote sustainable development, housing in rural areas should not be located in places distant from local services. Nevertheless, the document is still in draft form and subject to change, and can be afforded little weight in the determination of the appeal.

¹ Application Ref: 3/2011/0439

16. This leads me to conclude that the variation of condition No. 13 to allow unrestricted permanent occupation of one of the units would be contrary to saved Policies ENV1, G5, H2, H15, H16, H17 and H23 of the LP and the guidance contained within PPS3. Condition No. 13 is therefore reasonable and necessary and its variation is not justified.
17. In respect of the effect the variation of the condition would have on the character and appearance of the area, it is noted that no physical alteration to the building or its curtilage would be required beyond those allowed under the extant planning permission. Whilst the permanent occupation of the unit may introduce the need for additional domestic paraphernalia which may not be required if the use was restricted solely to holiday accommodation, the conditions of the planning permission have removed permitted development rights and therefore future proposals for the alteration or extension of the property are already under the control of the Council. In addition, the containment of the immediate surroundings of the building by a substantial stone wall would ensure that the domestic use could easily be contained.
18. On balance it is considered that the variation of condition No. 13 to allow permanent occupation would not harm the appearance of the area and would comply with saved Policies H15, H17, H23 and ENV1 of the LP.
19. Whilst I have concluded that the variation of condition No. 13 to allow part of the barn to be used for permanent occupation would not be detrimental to the character and appearance of the area, this is not outweighed by the concerns outlined regarding its location within open countryside. For these reasons, and having had regard to all other matters raised, it is concluded that condition No. 13 is reasonable and necessary and the appeal is dismissed.

Kay Sheffield

INSPECTOR