

**APPEAL BY
MR ROBERT HALL
AGAINST THE REFUSAL OF
RIBBLE VALLEY BOROUGH COUNCIL
TO GRANT PLANNING PERMISSION FOR
PROPOSED REPLACEMENT OF AGRICULTURAL BUILDINGS
WITH FOUR HOLIDAY COTTAGES AND NEW PACKAGE
TREATMENT PLANT
AT
SHAYS FARM TOSSIDE SKIPTON N YORKS BD23 4SY**

**Grounds of Appeal Statement
Appeal reference APP/T2350/A/13/2195715**

**LPA Reference: 3/2012/0972
Refused: 10 December 2012**

March 2013

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GROUND OF APPEAL STATEMENT AGAINST THE REFUSAL RIBBLE VALLEY BOROUGH COUNCIL TO GRANT PLANNING PERMISSION FOR PROPOSED REPLACEMENT OF AGRICULTURAL BUILDING WITH FOUR HOLIDAY COTTAGES AT SHAYS FARM TOSSIDE SKIPTON BD23 4SY.

1 Site circumstances

- 1.1 Shays Farm is to the south west of Tosside. The track which leads to Shays Farm from Holden Lane is 570m south of Four Lane Ends at Stephen Moor. The track itself runs east of the lane for 250m and is also a bridle path BW 16. The appeal site comprises the site of an agricultural building and land adjacent to road to create a visibility splay. The development does not affect the route of the bridle way.
- 1.2 Land in the vicinity is rolling upland, predominantly in agricultural use as grazing land. The majority of buildings within this landscape are traditional farmsteads which are scattered across the landscape or small villages. The farmsteads are usually located either adjacent to the lanes which link the small villages or at the ends of tracks leading off the lanes. The group of buildings at Shays comprise Shays Farm the farm house an attached cottage, several domestic outbuildings a detached stone barn which has recently been granted planning permission to be converted into two dwellings, and the agricultural building. The appeal site is situated within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) as defined in the adopted Ribble Valley Districtwide Local Plan.

2 Planning history

- 2.1 The recent planning history may be summarised as follows:
- 3/2008/0760 – Agricultural building. Approved with conditions 27/10/2008
 - 3/2010/0569 – Shays Barn. Proposed conversion of a barn to one residential dwelling. Approved with conditions 23/08/2010
 - 3/2011/0275- Shays Cottage. Single storey extension and rebuilding of domestic outbuilding to incorporate into dwelling approved with conditions 10/06/2011

- 3/2011/0276- Shays Farm. Two storey and single storey extensions approved with conditions 10/6/11
- 3/2012/0070- Conversion of barn to two dwellings. Approved with conditions 05/04/2012

3 Proposed development

- 3.1 The appeal site comprises the site of an existing agricultural building and the land immediately surrounding it. The building has a footprint of 30m by 13.75m with a lean-to store of 4.5m by 4.5m. The building has a height to the eaves varying between 4.5m and 5.5m and a height the ridge of between 6.4m and 7.5m. It is proposed to replace this building with four holiday cottages. These cottages will have an overall footprint of 29.5m by 9.25m to 10.4m. The height of the cottage to the eaves is 5.4m and to the ridge is 8.7m with a break in the roofline to follow the slope of the land. The external amenity space and car parking areas are all within the existing curtilage of the agricultural building.

4 Government guidance

- 4.1 The National Planning Policy Framework Section 3-Supporting a prosperous rural economy, promotes sustainable rural tourism and leisure facilities which respect the character of the countryside.

5 Development plan

- 5.1 The development plan includes the saved policies in the Ribble Valley Districtwide Local Plan adopted in 1998. Saved policies of relevance are:
- 5.2 G1 - which details a number of development control criteria that may be applicable in the determination of any planning applications.
- 5.3 G5 - which allows small scale tourism developments in rural areas outside main settlements subject to policy RT1.
- 5.4 ENV1 – requires development to protect conserve and enhance the landscape and character of the Area of Outstanding Natural Beauty.

- 5.5 RT1 – supports development which extends the range of tourism and visitor facilities where amongst other criteria the development is physically well related to a group of buildings, does not undermine the character quality or visual amenities of the plan area, and within the AONB the proposal should display a high standard of design and not introduce built development into an area largely devoid of structures.
- 5.6 Regulation 22 Submission Draft Core Strategy 2008/2028 the relevant policies are:
- 5.7 DMG1- General considerations, which details a number of development control criteria that may be applicable in the determination of any planning applications.
- 5.8 DMG2- Strategic considerations, allows small scale tourism or recreational developments appropriate to the rural area outside main settlements.
- 5.9 DME2-Landscape and townscape protection resists development which would harm important landscape or landscape features.
- 5.10 DMH3-Dwellings in the open countryside
- 5.11 DMB3-Recreation and tourism, supports development for tourism and visitor facilities subject to various criteria including that the proposal must be well related to an existing group of buildings, and does not undermine the character quality or visual amenities of the plan area and within the AONB the proposal should display a high standard of design and not introduce built development into an area largely devoid of structures.
- 5.12 Also of relevance are key statements EN2-Landscape, which seeks to protect the landscape and character of the AONB and EC3-Visitor Economy, which states that proposals that contribute to and strengthen the visitor economy of the Ribble Valley will be encouraged.

6 Planning considerations

- 6.1 Two reasons for refusal appear on the decision notice. The first relates to the alleged negative effect on the character and appearance of the area and the second reason relates to the assertion that the development is not sustainable. We will demonstrate that the proposal does not have a negative impact on the landscape and can be considered to be sustainable development and that it

meets the requirements of the NPPF and Local Plan and the emerging core strategy. In addition we will demonstrate that the proposal supports the local tourism economy and will serve existing and recently expanded tourist facilities.

- 6.2 The existing building on the site has a presence in the landscape and an effect upon in. The holiday cottages are proposed in exchange for this building. The impact of the proposed development on the character and appearance of the area can be assessed by comparing the physical characteristics and impact of the existing built form and the proposed built form. The existing and proposed buildings are in the same position in the landscape and are of a similar size and scale.
- 6.3 The agricultural building is built from concrete block and Yorkshire boarding with a corrugated steel roof. Areas around the building are hard surfaced in concrete and hardcore and this is typical of modern farm buildings in the area. The predominant traditional building materials in the area for both domestic and traditional agricultural buildings are natural stone, render and blue or stone slate. The proposed holiday cottages are to be built in random coursed stone and render with natural stone detailing to the surrounds of the doors and windows. The roof is to be covered in natural stone and the roof pitch is 30 degrees. The doors and window are proposed in timber. The cottages are similar in style, design materials and proportion to other traditional cottages in the area.
- 6.4 In terms of the vernacular architecture many farmsteads in the area are linear in form with the farmhouse and an attached barn in line with each other under one roof. They are often aligned with the front of the building facing south and the rear facing north so that the ridge of the runs east west. In the case of Shays Farm the existing farmhouse and cottage are in line with each other set under one continuous roof with the ridge running west south west to east north east. In terms of the layout of the proposed cottages they will follow this vernacular form and will be aligned in the same way as Shays Farm.
- 6.5 The impact of the external appearance of the site on the character and appearance of the landscape in use for agriculture or as holiday cottages will also be similar. The site benefits from screening by a row of mature spruce trees

between the site and the bridle way to the south. At the present time the area around the building is used for the storage of materials and farm equipment. The proposed holiday cottages will introduce only minor low key changes to the appearance of the site including parking areas, areas of grass around the building small patios and two timber cycle sheds/refuse store. Any additional impact this may have on the landscape is mitigated by the proposed additional tree planting. These changes have been kept to a minimum and as close as possible to the proposed building. The outdoor areas are modest in scale. When viewed from the surrounding landscape and from closer view points along the bridleway, the building will appear similar in form and scale to the surrounding traditional farmsteads.

- 6.6 We conclude that the impact of the proposed holiday cottages on the character and landscape of the AONB will be similar to that of the agricultural buildings presently on the site. The proposed cottage will appear appropriate in the landscape and will reflect the vernacular style of buildings in the area due to their linear form orientation and use of materials. The proposal fully complies with policies G1, ENV1, RT1 of the local plan and DMG1, DME2 and Key Statement EN2.
- 6.7 The policies in the local plan and emerging core strategy which gives guidance on new tourism and visitor facilities and the location of such developments are RT1 and DMB3. This specifies that the proposal must be physically well related to an existing main settlement or village or to an existing group of buildings. The Planning Officers Delegated Item File Report (DIFR) confirms in the second paragraph of page three that the “siting of the proposed holiday cottages is physically well related to an existing group of buildings” See appendix 1 DIFR. The policies also require that in the AONB the proposal should not introduce development into an area largely devoid of structures. In location terms the proposal fully complies with this policy. The other criteria of the policies are also met. As we have previously described there is no adverse impact on the landscape. The Council confirms in the DIFR that there are no highways issues relating to the proposal. As the proposal is to replace an existing building of a similar size the proposal does not introduce built development into the AONB as a building already exists on the site.

- 6.8 In the reason for refusal on the decision notice the Council state that the proposal is contrary to policy G1 and RT1 of the Local Plan and DMG1 and DMG3 because it is not appropriately located being in an isolated position in the countryside and the AONB in relation to nearby service centres and villages where travel to and from it would heavily rely on the use of the car. However policies RT1 and DMG3 make no such requirement that the proposal must be within close proximity of a service centre. The requirement is that it should be “physically well related to an existing main settlement or village or to an existing group of buildings”. As already stated the proposed development is physically well related to an existing group of buildings and meets the location requirements of policies RT1 and DMG3.
- 6.9 Policy G1 of the Local Plan and DMG1: General considerations of the core strategy do not contain any requirements for the development to be in close proximity of a service centre. The second reason for refusal on the decision notice does not specify that the development is contrary to any of the criteria listed in those policies. The proposal is not contrary to policies G1 and DMG1 for the second reason given on the decision notice.
- 6.10 There has been significant investment into facilities which benefit tourism by various agencies. This included investment into the mountain bike trails at Gisburn Forest in 2009 comprising a £60k contribution from Sport England, and £60k jointly from Forest of Bowland AONB, Ribble Valley Borough Council, Ribble Valley Strategic Partnership, United Utilities and the Forestry Commission. The Forestry Commission contributed a further £60K in materials. This funding together with voluntary help has recently significantly expanded the number and length of routes at Gisburn Forest. In 2011 planning permission was granted to the Forestry Commission to create a ‘forest hub’ to provide a car park with a capacity of 100 spaces a new cycling skills area and public toilets. The work to construct this new facility is complete see appendix 2a. Gisburn Forest is also popular with walkers and bird watchers and attracts 50,000 visitors per year. Gisburn Forest is approximately 1.5km from the appeal site. This information has been obtained from various website and transcripts are provided at appendix 2b

Web pages information regarding Gisburn Forest Mountain Biking. Details of the current mountain bike routes are given at Appendix 3 Gisburn Forest Bike Trail

- 6.11 Immediately to the south west of Gisburn Forest is Stocks Reservoir which is the largest fly fishery in the North West of England with 4.5 miles of fishable shoreline and 350 acres of open water. This facility is open to public and day fishing is available. Bank fishing is permitted on the southeast shoreline which is approximately 2.5 km from the appeal site. See www.stocksreservoir.com and water map appendix 4
- 6.12 The Lancashire Cycleway Northern Loop Route 90 passes within 1.5km of the appeal site on the section between Slaidbutn and Holden. See appendix 5. The Forest of Bowland AONB also provides a leaflet with details of cycle routes in the area including the Roses Boarder Ride passing through Gisburn Forest and along Dugdale Lane to the cross roads with the B6478 Slaidburn to Tosside Road 0.5km to the north of the appeal site and the Salter Fell Cross of Greet route passing through Slaidburn 5km to the South west of the appeal site. Appendix 6
- 6.13 The applicant is eager to invest in the proposed holiday accommodation because of the close proximity to this concentration of well established and expanding recreational facilities at Gisburn Forest and Stocks Reservoir which provide varied outdoor recreational opportunities and with particular appeal to cyclists. The proposed accommodation specifically provides for cyclists with cycle storage available on site. This concentration of tourist facilities are difficult to access other than by car being in a remote location and a significant distance from services centres. Visitors to these facilities are most likely to arrive by car including mountain bikers. In this case the location of the appeal site 1.5km from the start of the cycle trails in Gisburn Forest and 2.5km from Stocks Reservoir make it a sustainable location in terms of access to these facilities. Neither Gisburn Forest nor Stocks Reservoir has on-site tourist accommodation.
- 6.14 The three dimensions to sustainable development economic, social and environmental stated in the NPPF are addressed by the proposed development. The stated aims of the NPPF at paragraph 28 to support a prosperous rural

economy are also fulfilled. The proposal will positively contribute to the local economy by providing direct employment and income to the appellant. It will also contribute by providing accommodation for visitors to existing visitor attractions in this particular locality who by staying in the area are more likely to visit other rural businesses such as pubs and shops. The provision of employment and the potential draw of customers to other rural businesses in this remote rural part of the Borough also fulfil a social role in maintaining an economic basis capable of retaining people in employment in the area. As the proposed holiday cottages replace an existing building there is a neutral effect on the environment.

6.15 The Council raises concern in the DIFR about the need for additional holiday accommodation within the area based on the number of planning applications recently submitted to remove the restrictive holiday letting conditions from permissions to allow such buildings to be used as independent dwellings. We suggest that the recent increase in these applications is in response to the recent changes in local planning policies and the recent lack of a 5 years housing land supply. The Council implemented for many years a housing moratorium during which time no planning permissions were granted for new dwellings either new build or through conversion. During this time planning permission for the conversion of a barn to a dwelling to be used as holiday accommodation, or for new build dwellings to be used as holiday accommodation was granted planning permission because these were not considered to contribute to overall housing numbers. The moratorium was lifted and the revised housing figures in the Regional Spatial Strategy indicated that there was an under supply of housing.

6.16 Many of the barns that were converted to holiday accommodation during the moratorium would have been considered suitable for conversion to a dwelling had the moratorium not been in place. The Council has taken the following approach to determining such applications:

“In present practice, what we presently have is an established built development with a restrictive class of residential use. Given its restriction, I am of the opinion that the current proposal should be treated as tantamount to the conversion of a rural building. Policy H2 concerns itself with dwellings in the open countryside and allows for *the appropriate conversion of buildings to dwellings provided they are suitably located and their form, bulk and general design are in-keeping with their surroundings...* See

Policies H15, H16 and H17 for further advice.” Delegated Item File Report 3/2012/0922 appendix 7.

In other words, the Council asks itself this question. If we were presented with an application to convert the building to a dwelling now would it be granted planning permission? If the answer is yes then there is no need to keep the holiday occupancy condition. In some cases applicants have included details of lettings to make weight to their applications and to counter any question of loss of employment and income generating activity. It is understandable that people should apply for planning permission to lift a holiday cottage condition in these circumstances because of the uplift in the value of the building as an unfettered dwelling. Indeed when the Council was in a position of severe housing undersupply planning permissions were granted to lift the occupancy conditions on new build holiday accommodation because these units were considered to contribute positively to housing supply numbers without any impact on the environment because the building was already in existence. The fact that these applications have come forward to lift holiday cottage occupancy conditions in a particular period of rapidly changing policy does not accurately reflect the demand for self catering holiday accommodation as the Officer suggests in his file report. Rather it reflects the attempts by owners to realise the best value for their asset in a time of policy changes.

- 6.17 The appellant is aware that planning permission would not be granted for open market dwellings in this location and as long as the Council has a sufficient housing supply there would be no prospect of the occupancy condition imposed on the proposed holiday cottages (if permission is granted) being lifted. The appellant is responding to a genuine emerging market opportunity to provide holiday accommodation near to recently improved facilities which are growing in popularity.
- 6.18 The desire to provide holiday accommodation at the site is also in response to recent changes in his health which means that he is now unable to carry out manual work and farming work. He suffers from considerable pain in his joints. His General Practitioner has confirmed that his medical condition means that he is now not suited to working in farming or in building, see Appendix 8. These

occupations until now have until now been his main source of income. The Planning Officer in his DIFR at appendix 1 under the section headed “sustainability” points out that the agricultural building was granted planning permission in 2008. At the time of that application nearly 4 ½ years ago, the appellant was in good health and intended to build up his farming enterprise. The subsequent deterioration in his health has forced him to reassess his business and this is what has prompted the proposal to redevelop the site for holiday accommodation. The farming enterprise is not large enough to provide full time employment. This was acknowledged at the time of the 2008 application and referred by the Planning Officer in his Report commenting on the delegated report written in 2008, *“By doing so the applicant has created a unit, which has the ability to undertake small agricultural operation albeit not on a scale which would justify full-time employment.”* It is impractical to employ a Stockman on an enterprise of this size. As was stated in our Design and Access Statement at paragraph 3.6 the appellant’s land is now rented out to a neighbouring farmer who has his own farm buildings. The agricultural building at Shays is not needed by this tenant. The appellant sees the proposal as a method of diversifying his business to provide an income for the long term. He can run the holiday cottage business because it will be less demanding physically than running his farm. The holiday cottage business will provide employment for the applicant and his partner.

8 Conclusion

- 8.1 We have demonstrated that the proposal does not have a negative impact on the landscape and can be considered to be sustainable development and that it meets the requirements of the NPPF and Local Plan and the emerging core strategy. In addition we have demonstrated that the proposal supports the local tourism economy and will serve existing and recently expanded tourist facilities.

9 Appendices

1. Delegated Item File Report 3/2012/0972 Shays Farm Tosside
2. Web pages transcript containing information about mountain biking at Gisburn Forest

3. Gisburn Forest Bike Trail
4. Stocks Reservoir Watermap
5. Lancashire Cycleway Northern Loop Cycle Route 90
- 6.. Forest Of Bowland Area of Outstanding Natural Beauty Bowland By Bike
7. Delegated Item File Report 3/2012/0922 The Saddle Room Cross Lane
Waddington
8. Letter from GP 20 03 2013.

March 2013