



Appeal Decision

Site visit made on 10 February 2012

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 27 February 2012

Appeal Ref: APP/T2350/A/11/2164553

Burons Laithe, Horton, Skipton BD23 3JT

- 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 a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs R and A Lancaster against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0557, dated 14 July 2011, was refused by notice dated 8 September 2011.
 - The application sought planning permission for conversion of barn to house and holiday let cottage without complying with a condition attached to planning permission Ref 3/2004/0523, dated 7 July 2004.
 - The condition in dispute is No 2 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 and a register of occupation shall be kept and made available to the Local Planning Authority to inspect on an annual basis.*
 - The reason given for the condition is: *In order to comply with Policies G1, G5, ENV3, RT1, 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.*
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Decision

1. The appeal is allowed and planning permission is granted for conversion of barn to house and holiday let cottage at Burons Laithe, Horton, Skipton BD23 3JT in accordance with the application Ref 3/2011/0557 dated 14 July 2011, without compliance with condition number 2 previously imposed on planning permission Ref 3/2004/0523 dated 7 July 2004 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Main Issue

2. I consider that the main issue is the effect of removing the occupancy condition on the character and appearance of the area.

Reasons

3. The former barn has been converted to two dwellings; one for an agricultural worker and the other as a holiday let. The conversion works have been carried
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out and I understand that the holiday let has been used in accordance with the planning approval. The appellants now claim that the business is no longer a viable one and wish to remove the occupancy restriction. No evidence has been submitted to support the businesses lack of viability although a letter from the Council has been submitted which acknowledges that there is an overprovision of holiday accommodation in the Borough.

4. The Council consider that the conversion of the barn without occupancy restrictions would not have been forthcoming. Policy H23 of the Ribble Valley Districtwide Local Plan requires proposals for the removal of conditions which restrict the occupation of dwellings to tourism/visitor usage to be assessed against policies G5, H2, H15, H16 and H17. The Council particularly point out the explanation to policy H15 which indicates that conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable. It explains that the local landscape can be damaged and a degree of urbanisation imposed where isolated buildings in the landscape such as barns are proposed for conversion.
5. The existing building is fairly isolated being about 700 metres from the small settlement of Horton and accessed from a long narrow track. Whilst the two properties are separated from the settlement the permission already granted and implemented has created two units of living accommodation which can be occupied throughout the year. I see little difference in the impact on the landscape if the appeal property is occupied permanently or within periods of three months or less.
6. Domestic occupation on either a short term or permanent basis could result in the same type of domestic paraphernalia associated with the property. The building was considered suitable for domestic occupation when planning permission was granted for its conversion and I can find no real harm arising from its permanent occupation. No further works are proposed to the property and no indication has been given that the accommodation would be insufficient for permanent occupation. It includes parking space and outdoor amenity space. I do not therefore consider that removal of the condition would conflict with Local Plan policy H15 or the other policies referred to.
7. Planning Policy Statement 3 (PPS3) *Housing* requires Local Planning Authorities to have regard to the environmental sustainability of suitable housing sites and to use land effectively and efficiently, amongst other things. This building has already been converted to domestic use and having taken all matters raised into account I do not consider the occupation of this residential property on a permanent basis would conflict with the objectives of PPS3.
8. I conclude that removal of the occupancy condition (No 2) would not have a harmful impact on the character and appearance of the area and therefore allow the appeal.

J D Clark

INSPECTOR