



Appeal Decision

Site visit made on 15 June 2012

by **Gary Deane BSc(Hons) DipTP MRTPI**

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

Decision date: 10 July 2012

Appeal Ref: APP/T2350/A/11/2167938

Butchers Laithe, Knotts Lane, Tosside, Skipton BD23 4SJ

- 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 Stephen Davenport against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2011/0820, dated 5 October 2011, was refused by notice dated 1 December 2011.
 - The application sought planning permission for substitution of house type and alterations to previously approved scheme. Detached storage building to house water storage vessel and filtration plant, new first floor window and installation of metal flue pipe without complying with a condition attached to planning permission Ref 3/2006/0836, dated 8 December 2006.
 - The condition in dispute is No 15, 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 such lettings 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 Policy G1 of the Ribble Valley Districtwide Local Plan and Interim SPG "Housing". 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 dismissed.

Main Issues

2. The main issues are, firstly, whether the condition in dispute is reasonable and necessary having regard to national guidance and local planning policies that govern development in the countryside; and secondly, the effect of the proposal on the character and appearance of the local area.

Reasons

Development in the countryside

3. The site is located some distance outside any settlement and is therefore in the countryside, which is to be recognised for its intrinsic character and beauty. It also lies within the Forest of Bowland Area of Outstanding Natural Beauty
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(AONB). This is a nationally designated area with the highest status of protection in relation to landscape and scenic beauty. Within such areas, Policy ENV1 of the Ribble Valley Districtwide Local Plan (LP) notes that the environmental effects of proposals are important factors in making planning decisions.

4. The proposal is to remove condition 15 to allow the permanent residential use of the appeal property, Butchers Laithe, which is an attractive 2-storey converted stone barn that is currently in use as holiday lets. The appellant has referred to the lack of demand for this type of holiday accommodation and that the viability of the use has been called into question. The appellant's summary income and expenditure account, which shows a net loss for the financial year to April 2011, supports this view.
5. The National Planning Policy Framework (the Framework) carries forward many of the guiding principles of earlier national guidance in seeking to ensure that, amongst other things, development takes place where it will enhance or maintain the vitality of rural communities. The Framework also notes that new isolated homes in the countryside should be avoided unless there are special circumstances.
6. In this case, a member of the appellant's family would occupy the appeal building. In doing so, the prospect of that family member moving out of the local area to find suitable housing would be avoided. I am sympathetic to this desire, especially given the physical suitability of the building for permanent residential occupation. However, this would not amount to the kind of special circumstances outlined in the Framework such as a rural worker with an essential need to live permanently at or near to their place of work in the countryside. Furthermore, Butchers Laithe is not a heritage asset nor is the building disused or redundant where its development would improve the immediate setting. While appeal building could become disused if its use as holiday accommodation is not viable, a similar assertion could equally be made about the continued non-residential use of many rural buildings.
7. As the site occupies a remote location in relation to any settlement, travel by occupiers of Butchers Laithe to any shops, services and facilities would be heavily reliant on the private car. That would also be the case with the use of the appeal building as holiday accommodation. However, if it were in permanent residential use throughout the year, the number of car borne journeys would significantly increase, as occupiers would use vehicles for access to jobs and local facilities. Irrespective of the length or duration of such trips, this would be inconsistent with the underlying sustainability objectives of national guidance.
8. With regard to local planning policies, LP Policy H23 deals with removal of holiday let conditions and notes that such proposals will be refused unless they conform with normal development control policies of the LP, including Policies G5, H2 and H15-H17 (inclusive). Taken together, these policies set out the detailed criteria against which such proposals should be assessed. These criteria are broadly consistent with national guidance. At the heart of the issue between the main parties appears to be whether Butchers Laithe forms part of a defined group of buildings where the explanatory text to LP Policy H15 notes that the conversion of appropriate buildings is acceptable. The text also notes

that problems can arise where isolated buildings such as barns are proposed for conversion, which can damage the local landscape and impose some degree of urbanisation, with garden areas and outbuildings that can often be out of keeping with the rural setting of a building.

9. Historically, Butchers Laithe formed part of the grouping of farm buildings known as Knotts, Middle Knotts and Far Knotts. Having viewed these buildings from the site and the adjacent highway, it is my opinion that the appeal building does not visually read as part of this group of buildings. This is primarily because a generous distance separates Butchers Laithe from these buildings and there is no clear physical or visual association with them even taking into account the well-established stiles set into nearby boundary walls. To my mind, the appeal property occupies an isolated location in the countryside. On that basis, the proposal would not meet satisfy a requirement of LP Policy H23.
10. In reaching that conclusion, I recognise that LP Policy H15 and its accompanying text does not state that the conversion of buildings outside of defined groupings would be unacceptable. Nevertheless, that is the intent of the policy, and it is one that appears to have been applied by the Council and Planning Inspectors to proposals on sites elsewhere.
11. Reference is made to other examples in which the Council has recently permitted the use of rural buildings as permanent residential occupation, including the holiday cottages at Higher Laithe Barn, Tosside. From the Officers reports accompanying these applications, the buildings in question appear to be located close to the farmhouse and barn at Brockthorne Farm. It was on that basis that the Council concluded that it formed part of an established group of buildings. As those circumstances differ to the proposal I am unable to attach significant weight to this decision in support of the appellant's case. No detailed information has been provided with regard to the other examples to which the appellant has referred. In any event, each case should be considered on its individual merits, which I have done in this instance.
12. At the heart of national guidance is a presumption in favour of sustainable development. The proposal would fail that requirement because it is not appropriately located, being in an isolated position in the countryside and the AONB, where travel to and from it would heavily rely on the use of the car. While the proposal would make efficient use of an existing building and contribute to local housing land supply, it does not amount to the special circumstances envisaged in the Framework. As such, the balance of national guidance and development plan policies do not support the appeal scheme.
13. Taking all of these points into account, I conclude that the removal of condition 15 to allow the permanent residential use of Butchers Laithe would conflict with LP Policies G1, G5, ENV1, H2, H15 and H23, which seek to safeguard the rural area generally, and designated landscapes in particular. Condition 15 is therefore reasonable and necessary.
14. In reaching this conclusion, I acknowledge that the housing land supply position in Borough has changed since the condition was originally imposed. However, the key principles of national guidance and LP policies, which provided the main reason for the restriction, have not. While the Council previously found the use of the appeal property to comply with relevant LP policies and national guidance

applicable at that time, that was in the context of the proposal for holiday accommodation.

Character and Appearance

15. The Council raises additional concern that domestic paraphernalia associated with the permanent residential use of the appeal building could harm its rural setting. While that may occur, substantial stone boundary walls largely contain the garden around the building. Consequently, the use of this outdoor space for activities such as sitting out, children's play, and drying clothes would be largely screened from public view.

16. In those circumstances, and given that no external alteration to Butchers Laithe or its curtilage is proposed, I consider that the proposal would not materially harm the character and appearance of the local area. Notwithstanding my favourable finding on this matter, it does not outweigh the harm that I have identified in relation to the first main issue.

Conclusion

17. Therefore for the reasons given above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR