

Appeal Decision

Site visit made on 13 July 2017

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 07 February 2018

Appeal Ref: APP/E2734/W/17/3170065

Buck House Farm, Gillgate Road, Laverton, Ripon, Yorkshire, HG4 3QW

- 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 & Mrs A Stirk against the decision of Harrogate Borough Council.
 - The application Ref 16/00354/FUL, dated 28 January 2016, was refused by notice dated 22 August 2016.
 - The development proposed is the change of use of an agricultural building to form holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - whether the location of the proposed development would accord with local and national planning policy, and in respect of the appropriateness of the building for conversion to use as holiday let accommodation;
 - whether the proposal would conserve the landscape and scenic beauty of the Nidderdale Area of Outstanding Natural Beauty (AONB); and,
 - the effect of the proposal on highway safety, having regard to the suitability of the nearby highway network for the level of traffic generated.

Reasons

3. The appeal site is set in a rural location to the west of the village of Laverton. At the time of my visit, the site was occupied by a farmhouse and a range of associated agricultural buildings, of both modern and traditional construction, as well as two caravans. The existing building is constructed from blockwork with boarding above, fibre cement sheeting roof, and possesses a concrete floor. The proposed conversion of the building is indicated as facilitating the removal of the adjacent caravan currently used as a holiday let.
 4. I note that the use of the caravan is regarded by the appellant, and suggested by the Council in the Delegated Report, to be lawful. However, the use and siting of the caravan does not appear to benefit from any planning permission or a relevant Certificate of Lawful Use, albeit that it would appear to be common ground that it is exempt from enforcement action as a consequence of
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its duration of siting and use for in excess of 10 years. In the absence of the formal establishment of the use, whilst I accept that the existing use of the caravan on the site is a material consideration which would attract some limited weight in the context of the development, the proposal is in any event for a greater scale of development which would appropriately fall within planning control, and must therefore be assessed fully against local and national planning policy.

Location and suitability of building

5. Policy SG3 of the Harrogate District Core Strategy 2009 (the Core Strategy) promotes a sustainable pattern of rural development and sustainable rural enterprises, including tourism (criterion 4). This provides an opportunity to support rural diversification, and in this respect the Council accepts that in principle, and being mindful of Policy JB1 of the Core Strategy, that holiday accommodation has the potential to be acceptable in this location. However, the Council has assessed the proposal as being in conflict with the policy in respect of rural building conversions where the building is required to make a positive contribution to the landscape character of the countryside (criterion 2).
6. The Council has additionally referred me to saved Policy C16 of the Harrogate District Local Plan 2001: Saved Policy Version – Sept 2007 (the Local Plan), which indicates in respect of the re-use and adaptation of rural buildings, regard should be had to various criteria for conversion to residential use to be permissible. Whilst I have discounted the criterion related to affordable housing as not relevant to the proposal, I have had regard to the other criteria which address the need to consider the impact of the proposal on the character and appearance of the countryside and building, the suitability of the nature of the building to be re-used and adapted, and that the premises are suitable for business use and that there is an identified local need for business premises. The Council has concluded that the proposed development would conflict with both of these Development Plan policies.
7. In addition to the Development Plan, I have also been mindful that paragraph 28 of the National Planning Policy Framework (the Framework) promotes support for a prosperous rural economy, which would include support for sustainable rural tourism that benefits businesses in rural areas, communities and visitors, and which respects the character of the countryside. This includes supporting the provision of tourist and visitor facilities in appropriate locations, where identified needs are not met by existing facilities in rural service centres. This is an important material consideration to which substantial weight must be attached.
8. The appellant has assessed the proposal against Policy SG3(4) of the Core Strategy, related to a sustainable rural enterprise, which would include tourism and farm diversification. I would accept that whilst the proposal exhibits the characteristics of a residential unit, it is reasonable in the context of its occupation in connection with tourism, to also assess it as a business. Nevertheless, even if it were assessed solely as a business, it is evident from the supporting justification to Policy SG3 that criterion 4 must also be engaged in the context of criterion 3 of the same policy, which states that *small scale community facilities and small scale employment adjacent to a development limit*, will be encouraged subject to a series of additional criteria.

9. In respect of Policy SG3(3), I have had regard to the appellants' contention that the Council has not employed the use of development limits in assessing development for a considerable time, and that to employ such an approach would be inconsistent with the Framework. However, even if the Council no longer employs development limits, I am mindful that paragraph 28 of the Framework in supporting sustainable rural tourism, sets out that the provision of tourist facilities should be in appropriate locations where identified needs are not met by existing facilities in rural service centres.
10. I have been mindful of the appellant's contention that the existing letting accommodation within the caravan continues to be popular. However, in respect of the policy requirements, the appellants have not provided any detailed evidence in accordance with the requirements of paragraph 28 of the Framework, to demonstrate that there is an identified need for tourist accommodation, which could not be provided for within existing settlements. Furthermore, the proposal would not meet the permissive criteria within Policy SG3(3) of being located adjacent to a development limit (or by extension a settlement) where it could not be located within a development limit, and therefore the need to assess the remaining criteria set out in Policy SG3(3) has not been triggered.
11. In respect of Policy SG3(2), I am mindful that the appellants' concede in the submission of their *Further Justification (May 2016)* that *the building is a modern agricultural style building with no architectural merit worthy of note*. On the basis of my observations on the appeal site, I would agree with this broad assessment. Furthermore, and also being mindful of the reasoning provided in respect of the impact on the AONB, I do not consider that the conversion of the building would make a positive contribution to the landscape character of the countryside, despite essentially meeting the requirement as comprising an economic development use.
12. Turning to the criteria set out at saved Policy C16, I am satisfied that as a consequence of its location within a group of existing buildings, the re-use of the appeal building would not in itself result in physical changes, access and servicing arrangements, or a level of activity which would be likely to harm the character or appearance of the countryside or building itself, although I address this matter in more detail below in the context of the AONB. Whilst the building is of a permanent and substantial construction, from my observations at the site, there would clearly be a requirement for extensive alterations from its current condition in order to facilitate occupation as tourist accommodation. I am also mindful that the curtilage which would be attached to the building already exists in the form of the gardens which are adjacent to the existing caravan, and would not result in any adverse impact on the character and appearance of the countryside.
13. I have had regard to the Council's assessment and interpretation of saved Policy C16 in accordance with its publication, *The Re-use and Adaptation of Rural Buildings – A Design Guide (1992)*. I note that the Council has concluded that as a consequence of the guidance within the Design Guide, that for a building to be suitable for conversion, that it must be a traditional vernacular building, and not of a more modern construction. However, the *Introduction & Scope* section of the document highlights that the purpose of the Design Guide is to deal with the technical and conservation issues that arise when traditional vernacular buildings are re-used and adapted for new uses, and makes no

reference to a restriction on the type of building that may be eligible for re-use and adaptation. Whilst I acknowledge that modern buildings are referred to in the supporting text to saved Policy C16 in the context of business uses, again this is not explicitly in the context of a restriction against modern buildings as having the potential to be suitable for conversion. I consider the Council's interpretation as advanced with their submissions to be extremely narrow, and without a demonstrable basis in the Development Plan or other material considerations.

14. The appellant has also contended that the Council has failed to assess the proposed development against saved Local Plan policies E6 and E8, which address the *redevelopment and extension of industrial and business development*, and *new industrial and business development in the countryside*. The Council has not made any reference or response to the relevance of these policies in the context of the proposed development. However, I am mindful that whilst both policies are permissive subject to certain criteria, they are caveated on the basis that the development would not cause unacceptable planning problems (E6), and in the case of the re-use or adaptation of an existing building, a countryside location would be required for operational reasons (E8). On the basis of the evidence before me, I am satisfied that the proposals would not in any event accord with these policies, although I also note that there is no suggestion that compliance with these policies would automatically override other policy considerations related to development in the AONB.
15. On the basis of the evidence placed before me, whilst I have not concluded that the building itself would not have the potential to be converted for the proposed use, I am not persuaded that the proposed development would accord with local and national planning policy in respect of the location of the building for use as holiday letting accommodation. For the reasons set out above, whilst I am satisfied that there would not be conflict with saved Policy C16 of the Local Plan, I have found that the proposal would conflict with Policy SG3 of the Core Strategy, and paragraph 28 of the Framework.

Impact on AONB

16. Core Strategy Policy EQ2 and saved Policy C1 of the Local Plan both give priority to the conservation of the natural beauty of the landscape of the Nidderdale AONB. The latter policy seeks to prevent development which has a significant adverse impact on the landscape, whilst requiring development to be of the highest standards of design which reflects local distinctiveness. I have also been mindful of paragraph 115 of the Framework, which sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, commensurate with their landscape and scenic beauty.
17. The appeal proposals relate to the adaptation of an existing building, as described above, and would see the removal of the existing caravan which I accept would be a benefit of the proposed development. In respect of the changes to facilitate the development, I accept that there would be a significant departure in appearance from the current more modern agricultural appearance of the building. However, whilst acknowledging this, the proposed use of stone facing materials and slate roof tiles would not in itself represent an uncharacteristic approach to the use of materials in the AONB. Furthermore, and in the absence of any compelling evidence to the contrary, I am not

persuaded that the incorporation of full height glazing within the end gable elevations or the level of proposed fenestration would be entirely incongruous in the context of other existing designs related to converted buildings within the AONB.

18. I am mindful that the conversion of an agricultural building to a residential-type of occupation would inevitably involve a certain degree of change and visual impact to the appearance of the building. However, I also acknowledge that the location of the resultant building within the context of the existing cluster of buildings at Buck House Farm would be a visually mitigating factor.
19. As a consequence, I am satisfied that the proposal would not result in a significant adverse impact on the landscape, but in the context of the existing agricultural building, would conserve the scenic beauty and character of the AONB. I do not therefore find there to be conflict with Core Strategy Policy EQ2 and saved Policy C1 of the Local Plan, as well as paragraph 115 of the Framework.

Highway safety

20. The Council has highlighted concern over the suitability of the highway access to the appeal site for the proposed level of development, citing the narrowness of the highway and absence of passing places. In this respect, it has been concluded that the proposed development would be unsuitable for the level of traffic which the proposal would be likely to generate.
21. I am mindful that the Council has accepted within the Delegated Report that the existing caravan utilised for holiday letting accommodation at Buck House Farm, would be exempt from enforcement action as a consequence of its longevity and use on the site for in excess of 10 years. I have also had regard to the appellant's assertion that the proposed development would provide replacement accommodation to the existing holiday letting caravan, and that there would not as a consequence be an overall increase in the level of traffic currently accessing the site.
22. The appellant has contended that the existing caravan is fully booked for some time, albeit has not provided any documentary evidence to support this. Nevertheless, even if this were not the case, I am satisfied that the level of traffic movements associated with the proposed unit, even on the basis of the greater amount of accommodation, would not result in unacceptable levels of traffic either in isolation, or in comparison with the existing situation. I accept that the existing highway is constrained and narrow in its character, but in the absence of any compelling evidence from the Council of existing problems related to the use of the lane, I am not persuaded of the severity of the highway impact as claimed by the Council.
23. For these reasons, I am satisfied that the proposed development would not result in an adverse impact on highway safety, having regard to the suitability of the nearby highway network for the level of traffic generated and that there would not as a consequence be conflict with Policy SG4 of the Core Strategy, which seeks to ensure that the travel impact any development should not add significantly to pre-existing problems of access, road safety or traffic flow.

Other Matters

24. The appellant has contended that had the appeal site not been located within the AONB, then it would have been permitted development in accordance with the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for residential occupation. However, whether this would or would not be the case, it is not a matter which is relevant to this appeal given that the proposed development falls within planning control, and therefore has had no bearing on my decision.

Conclusion

25. I am satisfied that the proposed development would not result in a significant adverse impact on the landscape, but would conserve the scenic beauty and character of the AONB. I have also concluded that there would not be an adverse impact on highway safety as a consequence of the volume of traffic generated.
26. Nevertheless, whilst I am mindful that the proposal would essentially represent the replacement of the existing caravan used in the same manner on site, and despite the contention regarding continued demand for tourist accommodation in this location, no evidence has been adduced to demonstrate that there is an identified need for tourist accommodation which could not be provided for within existing settlements. In this respect, I do not consider that the proposals have met the spatial requirements of local and national planning policies in respect of tourist use, and that the limited benefits of the proposed development would not outweigh the identified harm
27. For the reasons above, the appeal should be dismissed.

M Seaton

INSPECTOR