
Appeal Decision

Site visit made on 25 October 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 14 November 2016

Appeal Ref: APP/Q9495/W/16/3156372

Birk Moss, Crook, Kendal, Cumbria, LA8 8LR

- 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 and Mrs Philip Butcher against the decision of Lake District National Park Authority.
 - The application Ref 7/2016/5057, dated 27 January 2016, was refused by notice dated 29 April 2016.
 - The development proposed is the conversion of former dwelling to one holiday let unit and change of use of a redundant barn to garage and recreational use associated with the holiday let.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether or not the proposal would accord with local planning policy which seeks to restrict the reuse of buildings for holiday letting accommodation and promote sustainable tourism.

Reasons

3. The appeal site comprises two traditionally built stone and slate buildings, one forming a barn the other a former dwelling. The site is located in the open countryside approximately 2 km south west of Crook Church and is accessed by narrow winding single track lanes with passing bays. The appellant's existing home lies to the north of the site.
 4. Policy CS02 of the Lake District National Park Core Strategy (CS) aims to achieve vibrant and sustainable settlements and requires development to be of a scale and nature appropriate to the character and function of the location. Amongst other things it seeks to deliver sustainable tourism. The Policy permits new development in the open countryside only in exceptional circumstances which includes the appropriate re use, redevelopment or extension of an existing building.
 5. Core Strategy Policy CS24 relates specifically to sustainable tourism and aims to direct new tourism development to local rural service centres and locations where services are available by means of sustainable travel modes with some defined exceptions. These include the diversification of a farm business, which is not relevant to this case and the reliance on a specific geographical fixed
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resource. The Explanatory Text advises that this refers to a particular place that has a specific characteristic that means that certain development can only reasonably take place at that location and still further the interests of sustainable tourism. Development should contribute to the conservation or interpretation of the geographically fixed resource. In such cases development may be justified where it secures the conservation or interpretation of a cultural resource or a particular aspect of the natural environment.

6. In this appeal the buildings are not of any historical or architectural merit and are not located close to a particular feature. I observed on my site visit the value and contribution the buildings make to landscape character, however this could be argued for many buildings in the National Park. Whilst I note the Authorities stance in the Bampton Grange application¹, where it was considered that the building itself formed a geographically fixed resource, on the basis of the evidence before me and my reading of CS Policy CS24 and the Explanatory Text, I consider that the development would not rely on a specific geographical resource.
7. Paragraph 4.49.5 of the Core Strategy considers the context of Policy CS24 and advises that development aimed at the tourist market can cross over into other topic areas in the document. It advises that the Authority will assess holiday letting development against Policy CS22a (Reuse of buildings for holiday letting accommodation). The appellant has argued that Policy CS24 is therefore not relevant to the appeal proposal.
8. The Authorities approach to considering conversion schemes in the open countryside is outlined in the Authorities Practice Guidance: Conversions. This explains that a range of policies in the Core Strategy may be relevant to a particular case. CS Policy CS24 appears to me to have a wider remit than CS Policy CS22a in that it considers sustainable tourism, not just the reuse of buildings for holiday letting accommodation. I therefore consider that it is relevant to the appeal case.
9. Policy CS22a allows the reuse of buildings for holiday accommodation where they would not be suitable to meet a local housing need or local affordable housing need and the use of the building would not be viable or suitable for reuse for employment purposes. The appeal buildings are in an isolated location in the open countryside and are accessed by narrow single track roads. These would be unsuitable to cater for any material increased in traffic, particularly larger commercial vehicles. I therefore consider that the buildings would be unsuitable for employment purposes.
10. With regard to their potential reuse to meet a local housing need, the site is approximately 2km from Crook Church, 2.5 km from the village hall and 3.5km from local pubs/hotels. Future occupants would be car dependant to access services and facilities, schools and employment. I therefore consider that the buildings would not be in a sustainable location suitable to meet a local housing need.
11. Whilst the appeal proposal would therefore comply with Policy CS22a, it must also be considered against other policies of the Core Strategy promoting sustainability and the protection of the landscape. CS Policies CS02 and CS11 set down sustainable principles for all development in the National Park.

¹ Planning Permission Ref 7/2016/3029

I have already referred to the sites isolated location, lack of accessibility and the dependence on the car. I acknowledge however that a holiday use would be likely to generate less vehicle trips than a permanent dwelling. Permanent occupiers would make daily trips to work or school for example.

12. I also acknowledge that the site lies close to a number of public rights of way and a bridleway so that occupants of the holiday accommodation could use the site as a base to explore the area on foot or by cycle. Whilst it may be feasible for visitors to reach some attractions by walking or cycling, due to the nature of the routes, the sites location and the distances involved, such forms of transport would not be appropriate for all visitors. In poor weather or after dark I consider it most likely that visitors would use the car. Consequently I consider that the development would not be in a sustainable location for tourism use.
13. CS Policy CS25 seeks to protect the spectacular landscape of the National Park. I am advised by the Authority that the site lies in Area of Distinctive Character 50 (Crook) of the Landscape Character Assessment and the low fells character type. It is agreed by the main parties that the buildings, constructed of local stone and slate, make a positive contribution to the landscape. I concur with this view. The proposed conversion works retain the existing openings to the buildings and I consider they are appropriate to retain the rural character of the buildings. The removal of the existing extension to the barn as part of the conversion scheme would form an improvement to the appearance of this building. I recognise that the reuse of the buildings for holiday letting accommodation would ensure their use and maintenance in the longer term so that they continue to make a contribution to the landscape.
14. The Authority has raised concern about the potential domestication of the site with external car parking, garden furniture and other structures which would adversely affect the character of the landscape. The barn which is proposed to be converted is a large building which can also be used for storage reducing the need for other small outbuildings. I accept that occupants of the accommodation may not put their vehicle in the garage. However, on my site visit I observed that the buildings are generally set in a slight hollow so that from nearby footpaths to the north and the bridlepath that runs in a roughly north east to south west direction, any vehicle or other domestic features would not be readily visible. They would be screened by the buildings themselves and by the contours of the land. The site is more open from the south however there are no public footpaths in close proximity from where the site can be viewed.
15. One of the distinctive features of this site is its undeveloped nature, the lack of a surfaced access and grass running up to the edge of the buildings. I am concerned that the use of the buildings for holiday purposes may result in pressure for the grass around the buildings to be closely mown or for the area to be surfaced. In addition there may be pressure for the access to be laid with stone or other form of surfacing to enable use in all weathers and at all times of the year. Whilst changes to the surfacing immediately around the buildings may not be able to be seen from public viewpoints I consider that any surfacing to the access track would change the character and setting of the buildings and have an adverse impact on the landscape. I have noted

that in the Bampton Grange case which I have referred to earlier, the domestication of the site was proposed to be controlled by a management plan in order to minimise landscape impact. No such plan has been put before me in this case.

16. Both main parties have brought my attention to a range of other appeal decisions for conversion of buildings to holiday accommodation in the open countryside. These cases have come to different conclusions depending on their context and weight given by the respective decision maker to the identified benefits and disbenefits. Whilst there are some similarities to the appeal case before me there are also differences. I have therefore determined this case on its individual merits.
17. I accept that the holiday use would in a limited way contribute to the rural economy, in line with CS Policy CS07 and paragraph 28 of the National Planning Policy Framework (the Framework). However, whilst the reuse of the buildings for holiday accommodation would assist to ensure their long term maintenance and retention, I am not persuaded in light of the evidence before me, that the site forms a sustainable location for tourism or that the proposal would not cause harm to the character of the landscape.
18. Whilst the development may meet the criteria in CS Policy CS22a for the reuse of buildings for holiday letting accommodation, I consider it would not meet the sustainable tourism principles of CS Policies CS02, CS11 and CS24 or CS Policy CS25, which seeks to protect the spectacular landscape of the National Park.
19. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR