
Appeal Decision

Site visit made on 27 February 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/E2734/W/16/3161598

Barn A, Sunnyside Farm, Fellbeck, Ripon HG3 5EY

- 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 Basil Fryer against the decision of Harrogate Borough Council.
 - The application Ref 6.60.3.B.FUL, dated 28 June 2016, was refused by notice dated 12 September 2016.
 - The development proposed is the conversion of existing redundant barn to 1 dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the countryside which forms part of Nidderdale Area of Outstanding Natural Beauty; and
 - Whether or not the proposed development would provide adequate living conditions for future occupiers with particular regard to noise and disturbance.

Reasons

Character and Appearance

3. The appeal site is a small brick built barn located to the rear of a small group of farm buildings, several of which are used as a poultry business. Although set back from the road, the open fields surrounding the barn means it is clearly visible when approaching from either direction along the road. To the west lie two residential properties, and to the other side of the road is a dwelling, and a number of holiday cottages.
 4. The site lies within the Nidderdale Area of Outstanding Natural Beauty (AONB). However, as the building forms part of a group of buildings the appellant has argued that it does not lie in the open countryside. Although there are a number of buildings in the vicinity, there is no evidence to indicate that these form part of any designated settlement, and Policy SG3 of the *Harrogate District Core Strategy (adopted February 2009)* (HDCS) states that outside the development and infill limits of the settlements listed in Policy SG2, land is
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classified as countryside. As such, I consider that the building is located in the open countryside.

5. The statutory purpose of including land within an AONB is to conserve and enhance its natural beauty. Paragraph 115 of the *National Planning Policy Framework* (the Framework) states that in AONBs great weight should be given to conserving the landscape and natural beauty. Policy C1 of the *Harrogate District Local Plan (adopted February 2001)* (HDLP) indicates that within the AONB, development which would have a significant adverse impact on the landscape will not be permitted. It also states that development should, wherever possible be located in, or adjacent to, existing settlements, and should have the highest standards of design.
6. To promote sustainable development in rural areas, paragraph 55 of the Framework indicates that new housing should be located where it will enhance or maintain the vitality of rural communities. It indicates that generally, isolated new homes in the countryside should be avoided.
7. The Framework does not provide any definition of what constitutes an “isolated dwelling” and the appellant considers that given the other nearby dwellings and buildings, the appeal barn is not isolated. Nevertheless, there are no services or facilities in the immediate vicinity. The Council has indicated that the nearest settlement with any range of services are Summerbridge and Pateley Bridge but these are both at distances that I consider to be too far to cycle or walk, especially on country lanes with no lighting or pavements.
8. Consequently, although the proposed dwelling would not stand on its own, it would not be located within any defined settlement, and future occupiers of the dwelling would be reliant on the private car to meet all their day to day needs. Given this, I consider that the site is isolated in the context of paragraph 55.
9. However, one of the few special circumstances for permitting such homes within the countryside is where the development would re-use redundant or disused buildings, and lead to an enhancement of the immediate setting. The appellant has stated that the building was used for lambing but has been disused since 2014, and this has not been disputed by the Council. Nothing I observed would lead me to come to a different conclusion.
10. Nevertheless, to accord with paragraph 55 of the Framework, development that re-uses redundant or disused buildings also has to lead to an enhancement to its immediate setting. The Council have indicated that the site lies within Landscape Character Area 29: Sawley Moor Grassland and Forestry, as defined by the *Harrogate District Landscape Character Assessment (adopted February 2004)*. It is stated that this is a moderate scale landscape sitting on high ground between the Nidd and Skell valleys. One of the guidelines for this particular area is that domestic landscape treatment, linked to development, should be resisted as it will detract from the upland character of the area.
11. The barn has brick walls, with timber boarding to the gable elevations, and a profile metal sheet roof. It has a number of window openings to both the sides and to one of the gables. Whilst some of these are glazed, others are covered in timber slats, or are bricked up. It is surrounded on three sides by open fields. Although not of a traditional vernacular design, the barn and its setting still have an agricultural character.

12. The proposed development would reinstate all the existing openings to their original size as well as introducing new ones. It would also add 4 roof lights to each side of the roof. This, and the regular pattern of fenestration that would be created would be to the detriment of the agricultural character of the building.
13. Although the proposed domestic curtilage would be limited in size, the creation of a more formal garden area, and the accumulation of domestic items within this area, would still result in the domestication of this area, contrary to the guidelines for this character area. In addition the proposal would create an access drive from the barn to the existing field gate. Whilst it is indicated that this was originally an access track, it is now grassed over and appears as part of the adjacent field. The creation of a formal drive and parking area, together with the garden, would detract from the rural setting of the barn, and would appear as highly visible and incongruous features in this agricultural landscape.
14. The appellant has argued that the conversion would prevent the deterioration of the building. Be that as it may, as the barn is not of the traditional rural vernacular, its loss would not be detrimental to the character and appearance of the AONB.
15. Therefore, I consider that the proposal would unacceptably harm the character and appearance of both the countryside and Nidderdale AONB. Consequently, it would conflict with Policy C1 outlined above, and also with Policies C2 and C16 of the HDLP and Policies SG4 and EQ2 of the HDCS which seek to ensure that development protects the existing landscape character, does not harm the character and appearance of the countryside or the building itself, and has a high quality of design that reflects the spatial qualities of the area and the natural and built environment. In addition, as it would not lead to an enhancement of its immediate setting it would not accord with paragraphs 55 or 115 of the Framework.

Living Conditions

16. The appeal building is located to the rear of buildings used by a small poultry business. The business has a number of refrigeration units which have fans associated with them. The Council has raised concerns regarding the potential impact on the living conditions of future occupiers with regard to noise and disturbance, but have not produced any substantive evidence regarding the noise emitted from them. At the time of my site visit the fans within the business were operational but no noise from them was audible either within the appeal building, or on the land surrounding it. From all I have seen and heard, I am not persuaded that their presence would be detrimental to the living conditions of future occupiers.
17. As such, I consider the proposed development would provide adequate living conditions for future occupiers with regard to noise and disturbance. Accordingly, in this regard there would be no conflict with Policy SG4 of the HDCS which amongst other things requires that development should not be detrimental to residential amenity.

Other Matters

18. The development would provide some temporary work for local contractors, and spending by future occupiers would benefit the wider local economy. However, given the size of the scheme these benefits would be limited. In addition, the proposal would make a very small contribution to housing supply in the area, and I note that there was no objection to the scheme from the Parish Council.
19. The appellant has highlighted that the conversion of the barn accords in all ways with permitted development¹ except that it is in the AONB. Be that as it may, as the site is located in such an area, the barn cannot be converted in this way, and the removal of these rights for buildings within AONBs shows the value the government places on the protection of the landscape and natural beauty of these areas.
20. A core planning principle of the Framework is to encourage the effective use of land by reusing land that has been previously developed, provided it is not of high environmental value (paragraph 17). However, the definition of previously developed land within the Framework specifically excludes land that is, or was, occupied by agricultural buildings. As such, the appeal site is not previously developed land, and so its development would not accord with this key planning principle.

Planning Balance and Conclusion

21. The Framework sets out in paragraph 47 that to significantly boost the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. The Council acknowledge that they currently cannot do this as the latest figures show a 4.87 year supply.
22. In the absence of a 5 year housing land supply paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date. In circumstances where relevant policies are out of date, paragraph 14 of the Framework indicates permission should be granted unless specific policies in the Framework (such as land designated as AONBs) indicate development should be restricted. Given that I have concluded that the scheme would be detrimental to the character and appearance of the AONB, this is the case here.
23. Overall therefore, the proposal does not represent sustainable development and it is contrary to local and national policies that seek to conserve the landscape and natural beauty of AONBs. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class Q