
Appeal Decision

Site visit made on 21 March 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 27 March 2017

Appeal Ref: APP/C2708/W/16/3165672

Binns Farm, Binns Lane, Glusburn, Keighley, BD20 8JJ

- 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 V Wheelock against the decision of Craven District Council.
 - The application Ref 32/2016/16758, dated 11 March 2016, was refused by notice dated 12 July 2016.
 - The application sought planning permission for demolition of existing concrete block stables and replacement with traditional stone building and conversion of existing stone out-buildings to form a residential annexe to the main farmhouse without complying with a condition attached to planning permission Ref 32/2014/14314, dated 1 April 2014.
 - The condition in dispute is no. 4 which states that: *the development hereby approved shall be used wholly in conjunction with and ancillary to the use of Binns Lane Farm as a single dwellinghouse. It shall not be sold, occupied, disposed of or otherwise be let as a separate dwelling.*
 - The reason given for the condition is: *an independent dwelling would be inappropriate in this open countryside location particularly when regard is paid to the need to provide an appropriate level of amenity and parking for each unit.*
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing concrete block stables and replacement with traditional stone building and conversion of existing stone out-buildings to form a residential annexe to the main farmhouse at Binns Farm, Binns Lane, Glusburn, Keighley, BD20 8JJ in accordance with the application Ref. 32/2016/16758, dated 11 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from 1 April 2014.
 - 2) The approved plans comprise drawing nos.: 001, dated March 2016; and, 002, received by the local planning authority on 4 February 2014. The development hereby permitted shall be carried out in accordance with the approved plans except where conditions attached to this permission indicate otherwise or where alternative details have been subsequently approved by the local planning authority following an application for a non-material amendment.
 - 3) The stone work and stone roofing materials of the development hereby approved shall match the existing buildings on site unless otherwise approved in writing by the local planning authority.
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- 4) Parking spaces 1A and 2A shown on drawing no. 001, dated March 2016, shall be kept available at all times for the parking of vehicles by the occupants of the annexe and their visitors and for no other purpose.

Main Issue

2. I consider that the main issue in this case is whether condition no. 4, attached to planning permission Ref. 32/2014/14314, is reasonable and necessary in the interests of: highway safety; or, the living conditions of future residents of the approved annexe and occupants of the farmhouse, with particular reference to amenity and parking space.

Reasons

Highway Safety

3. The appeal site forms part of the Binns Farm farmstead, which is situated on the southern side of Binns Lane to the west of its junction with Green Lane. In 2014 the Council granted planning permission for the demolition of a stables and log store followed by the extension and conversion of a feed stores building to a residential annexe at the farmstead. The approved annexe included a living/dining room, a bathroom and 2 bedrooms.
4. The proposal would involve a change in the layout of the annexe from that which was approved, such that one of the bedrooms would be used as a kitchen/dining room. The resulting one bedroom unit would contain all the facilities necessary for residents to live independently of the facilities in the adjacent farmhouse. The appellant has confirmed that he is seeking the removal of condition no. 4 attached to planning permission Ref. 32/2014/14314, in order that the annexe can be occupied as an unrestricted dwelling.
5. I have had regard to the concern of the Council and the Local Highway Authority that the sightlines available to drivers emerging from Binns Lane onto Green Lane are unsatisfactory and as a consequence, the intensification of use which they consider is likely to be associated with the proposal would be unacceptable in terms of highway safety.
6. I acknowledge that the sightlines available to drivers emerging from Binns Lane onto Green Lane fall below the standard identified by the Local Highway Authority of 60 metres in each direction from a point 2 metres back from the edge of the main carriageway. I consider that, as a result of the sightline restrictions, drivers are likely to nose out onto Green Lane with caution. Furthermore, the forward visibility of drivers approaching the junction along Green Lane is such that they are likely to be able to see an emerging vehicle from a reasonable distance away and would be able to slow and stop or manoeuvre around it to avoid a collision.
7. I saw that Binns Lane already provides access to more than 5 reasonably substantial dwellings and the appellant has stated that he is not aware of any accidents having occurred at that junction in the 16 years that he has lived at Binns Farm. No one else has provided any evidence to the contrary. This reinforces my view that the junction is likely to operate safely.
8. As to the likely intensification of use referred to by the Council and Local Highway Authority; at the time that the application was made for the

2-bedroom annexe, the appellant anticipated that it may be occupied by his daughter, who requires constant care due to disabilities, and a live-in carer. In my judgement, it would be reasonable to consider the appeal on the basis that the proposed one bedroom building may well be occupied by 2 people, both of whom may be drivers and who would be more likely to travel off site each day than a live-in carer for the appellant's daughter. Nonetheless, the number of daily trips likely to be associated with such a limited household would be low. In this context, I consider it unlikely that the proposal would result in a significant increase in the use of the junction of Binns Lane with Green Lane. Taking this into account together with the manner in which drivers are likely to approach the junction of Binns Lane with Green Lane, I conclude that the proposal would be unlikely to have a detrimental effect on highway safety at the junction.

9. The section of Binns Lane between the appeal site and the junction with Green Lane comprises a single carriageway, with a winding horizontal alignment. The lane does not have separate footways and the carriageway is used as a shared surface by vehicles and pedestrians. As a result of these characteristics, I consider that drivers are likely to proceed along this section of the lane with caution and at relatively low speeds. Furthermore, as the length of this section is relatively short, the small number of opportunities available for vehicles to pass one another is unlikely to be particularly problematic. I consider that Binns Lane is adequate to meet the needs of future residents of the small appeal building as regards safe access.
10. I conclude overall, that condition no. 4 attached to planning permission Ref. 32/2014/14314 is neither reasonable nor necessary in the interests of highway safety. The proposal would not conflict with the aims of Policies ENV2 or T2 of the *Craven District (Outside the Yorkshire Dales National Park) Local Plan, 1999* (LP), which are consistent with the aims of the *National Planning Policy Framework* (the Framework) insofar as they seek to ensure that safe and suitable access to the site can be achieved for all people and that regard is had to the residual cumulative impact of proposals.

Living conditions

11. The reason given for condition no. 4 on the planning permission made reference to the need to provide an appropriate level of amenity and parking for each unit. The plan submitted in support of the planning application the subject of this appeal indicates that the curtilage of the farmstead would be sub-divided to provide the farmhouse and the annexe with separate areas of external amenity space. Furthermore, 2 of the 7 parking spaces that are already available at the farmstead would be allocated for the use of residents of the annexe. I consider that these measures would ensure that residents of both the farmhouse and the annexe would have adequate facilities as regards amenity and parking space. I conclude that the effect of the proposal on the living conditions of future residents of the annexe and occupants of the farmhouse would be acceptable. In this respect it would accord with the aim of the Framework to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

12. The Council has confirmed that it is unable to demonstrate the 5-year supply of deliverable housing sites required by the Framework. The proposal would

contribute towards meeting the shortfall and this weighs in its favour. Furthermore, the Framework indicates that in circumstances such as this, where there is a shortfall in the supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. In addition, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I have not been provided with any compelling evidence to show that the scheme would give rise to adverse impacts which would outweigh the benefits. I conclude on balance, that the scheme would amount to sustainable development under the terms of the Framework.

Conditions

13. The guidance in the national *Planning Practice Guidance* (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
14. In respect of condition no. 1, the commencement condition; the planning application form indicates that the approved development had not yet commenced and, based on what I saw, it appeared to me that this remains the case, not least as the buildings proposed to be demolished in order to make way for the proposed extension are still in place. The PPG confirms that planning permission cannot be granted under section 73 to extend the time limit within which a development must be started. Therefore, it would be necessary to amend condition no. 1, to ensure that the time limit for commencement of the development remains the same as that stated in planning permission Ref. 32/2014/14314.
15. It would also be necessary to amend condition no. 2, in the interests of certainty, to ensure that the works would be carried out in accordance with the revised '*floor/site/roof/location plans as existing/proposed*' drawing no. 001, dated March 2016. Condition no. 3, which relates to the materials used in the external surfaces of the proposed development would need to be re-stated, in the interests of visual amenity.
16. In addition, in the interests of the living conditions of future residents of the annexe and highway safety, a condition would be necessary to ensure that the parking spaces identified for their use would remain available for that purpose.

Conclusions

17. I conclude that condition no. 4 attached to planning permission Ref. 32/2014/14314 is neither reasonable nor necessary in the interests of either: highway safety; or, the living conditions of future residents of the annexe and occupants of the farmhouse. For the reasons given above, I conclude that the appeal should be allowed and I will grant planning permission without condition no. 4 attached to planning permission Ref. 32/2014/14314, but subject to other conditions as necessary.

I Jenkins

INSPECTOR