

Appeal Decision

Site visit made on 21 March 2017

by S R G Baird BA(Hons) MRTPI

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

Decision date: 5th April 2017

Appeal Ref: APP/G2713/W/16/3165649

High Grange Farm (Large Barn), Kay House Lane, Picton, North Yorkshire TS15 0AQ

- 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 Anton Lang against the decision of Hambleton District Council.
 - The application Ref 16/02306/FUL, dated 17 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is the conversion of an existing large barn structure into a dwelling (large barn) with associated access, gardens/curtilage, and 3 car parking spaces, with new detail regarding redundancy/vacancy.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing large barn structure into a dwelling (large barn) with associated access, gardens/curtilage, and 3 car parking spaces, with new detail regarding redundancy/vacancy at High Grange Farm (Large Barn), Kay House Lane, Picton, North Yorkshire TS15 0AQ in accordance with the terms of the application, Ref 16/02306/FUL, dated 17 October 2016, subject to the following conditions:
 1. The development hereby permitted shall be begun within 3 years of the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. LB-LOC-1 and Drawing Nos. 1, 2, 3, 4, 5, 6, 7 & 8 of 8 dated 3 April 2015.
 3. The dwelling hereby permitted shall not be occupied until the parking spaces shown on Drawing No. 7 of 8 dated 3 April 2015 have been provided.
 4. Notwithstanding the details hereby approved, all works at the site must conform at all times with the Method Statement and Mitigation Measures contained within the accompanying "Bat and Barn Owl Surveys for large barn at High Grange Farm, Picton by Veronica Howard, BSc (Hons), PhD, MCIEEM August 2013", and received by Hambleton District Council on 18 October 2016. The bat lofts shown on the approved plans shall be installed before the first occupation of the dwelling hereby permitted and thereafter retained.
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Main Issue

2. Whether the location of the proposed dwelling would conflict with the Development Plan, Interim Policy Guidance (IGG) and the National Planning Policy Framework (Framework) regarding isolated dwellings in the countryside and whether any conflict is outweighed by material considerations.

Reasons

3. In April 2010 planning permission¹ was granted for the retention of the building the subject of this appeal. That permission restricts the use of the building to, "...*agricultural or domestic purposes ancillary to the main dwellinghouse High Grange Farm*". Previous appeals to convert the building and an adjacent smaller barn into 2 dwellings and to convert the building into a single dwelling house were dismissed in September 2014² and January 2016³ respectively. I have had regard to these decisions and several other appeal decisions referred to by the appellant⁴.
4. The development plan includes a Core Strategy (CS) adopted in April 2007 and Development Principles (DPs) adopted in February 2008. Where they are appropriate to apply to a proposal for a single dwelling house, the proposed conversion would not, conflict with CS Policy CP17 and DPs Policies DP32, DP1, DP3, DP6 relating to design, amenity, accessibility and utilities. DPs Policy DP12, consistent with the objectives of the Framework seeks to maximise the use of previously developed land (PDL). Here, given the Framework definition of PDL⁵, there is insufficient information to confidently conclude that this proposal involves the reuse of PDL.
5. Picton is not listed under CS Policy CP4, as a sustainable settlement. High Grange Farm is located some 0.5 miles from Picton, a settlement devoid of services or facilities and is not, as far as I am aware, served by public transport. As such Picton and its surroundings are treated for planning policy purposes as open countryside. In this context, DP Policies DP8 and DP10 are not relevant to this proposal. CS Policies CP 1 and 2 seek to minimise the need to travel and to encourage the use of alternative modes of travel to the car. CS Policy CP2 indicates that convenient access by via walking, cycling and public transport should exist or can be provided so as to reduce the need to travel by car. In this case, neither objective can be achieved. Here, occupants of the proposed dwelling would be heavily reliant on the car to provide for their day-to-day needs.
6. Consistent with Framework paragraph 55, the development plan and IPG seek to strictly control new dwellings in the countryside. The appellant refers to Framework paragraph 90 relating to development in the Green Belt. However, as this site is not in the Green Belt these provisions lends no support to this proposal. Both DPs Policy DP9 and CS Policy CP6 cross refer to CS Policy CP4. DPs Policy DP9 indicates that development outside Development Limits will only be permitted in exceptional circumstances and

¹ Application No. 10/00463/FUL.

² APP/G2713/A/14/2213955 & 2213956.

³ APP/G2713/W/15/3132063.

⁴ APP/P2935/A/12/2169811; APP/Q3305/A/12/2188237; APP/K2420/A/12/2168670; APP/P2935/A/14/2214477 & APP/P2935/A/14/2228905.

⁵ Annex 2: Glossary.

CS Policy CP6 indicates that in the countryside the conversion of buildings will only be permitted in exceptional circumstances to meet a specific local need, where such development is in accordance with CS Policy CP4. The IPG adopted in April 2015 does not alter these provisions.

7. CS Policy CP4 indicates that development will only be supported when an exceptional case can be made for the proposal in terms of CS Policies CP1 and CP2 and where it can satisfy any of the circumstances listed under the policy. Framework paragraph 55 contains similar provisions and indicates that isolated homes in the countryside should be avoided unless there are special circumstances. DPs Policy DP30 indicates that the design and location of development should not have a detrimental effect on the immediate environment.
8. Here, there is no evidence that the dwelling is necessary: to meet the needs of a rural worker, tourism or another enterprise with an essential requirement to locate in the countryside; to provide affordable housing; to secure significant environmental improvements; to conserve a feature of acknowledged importance or to support social and economic regeneration. Both CS Policy CP4 (iv) and Framework paragraph 55 provide for the re-use of existing buildings as a special circumstance. CS Policy CP4 (iv) refers to the re-use of an existing building where the necessary works can be carried out without substantial alteration or reconstruction and where development would help to support a sustainable rural economy. The building could be converted without substantial alteration or reconstruction. However, given the location of the site and the absence of services and facilities within Picton, beyond the conversion phase the evidence does not suggest that the scheme would help support the rural economy.
9. Framework paragraph 55 refers to the re-use of redundant or disused buildings where the development would lead to an enhancement to the immediate setting. A significant consideration in this case, is the extant planning permission which restricts the use of the building to agricultural or domestic purposes ancillary to the occupation of High Grange Farm. Unlike at the time of my colleague's visit in 2015, the building is empty. In terms of its use for ancillary domestic storage, as a matter of common sense it is unrealistic to expect a building of this scale to be used solely for the storage of domestic paraphernalia associated with High Grange Farm, which is itself is a substantial building and has other buildings associated with it. In terms of an ancillary agricultural use, my colleague in 2014 noted that the barn was, *"...no longer part of an agricultural holding..."* and the appellant's latest statement confirms that the building is not part of an agricultural holding. These statements have not been disputed by the local planning authority (lpa). Whilst I note the lpa's statement that, *"...it is not entirely evident that there is now no tenable potential re-use or need"*, it is not part of Framework paragraph 55, the development plan or, as far as I am aware, any other local guidance, that an applicant has to demonstrate the absence of an alternative use. Indeed, CS Policy CP4 refers only to an *"existing building"*. In these circumstances, I accept that the building is redundant/disused.
10. In terms of an *"enhancement to the immediate setting"*, the appellant highlights that the *"curtilage is a muddy mess..."* and *"...turning it over to modest garden/curtilage areas... is thought to meet the test... under NPPF Paragraph 55."* Whilst the curtilage area is not hard surfaced it is consistent

with the type of surfacing associated with storage buildings in the countryside and appeared in relatively good condition. In my view, the phraseology of paragraph 55 and indeed DPs Policy DP30, which also uses the term "*immediate*" must mean something more than just the area of a site next to a building. There has to be some wider, physical or visual enhancement. This is particularly so when, as here, the area affected is almost completely enclosed and not visible from any public vantage point.

11. Regarding the impact of the proposal on the wider countryside, I have carefully read the conclusions of my colleagues regarding the visual impact of the proposal on the character and appearance of the area. Such judgements, albeit informed by professional experience, are generally subjective. Moreover, I am not aware of the nature of the conversion put before my colleague in 2016 and I note that the number of proposed roof lights has been reduced relative to the scheme as described in 2014. Apart from the roof lights and the infilling of the limited existing openings at first-floor level with windows, all the remaining alterations at ground-floor level and the use the curtilage for domestic purposes would be obscured from public view by the tall close-boarded fence that encloses the site, the existing dwelling and tree/shrub planting in the vicinity. Moreover, given the degree of separation of the site from the public highway the proposed roof lights and infilling of the openings at first-floor would not be intrusive or have an unacceptable effect on the character and appearance of the countryside. That said, whilst the effect on the immediate area would be neutral, it would not, in Framework paragraph 55 terms, represent an enhancement.
12. Drawing all of the above together, notwithstanding my conclusion on the scheme in relation CS Policy CP17 and DPs Policies DP1, DP3, DP6, DP30 and 31, the proposal by reason of its almost total reliance on the private car for access would conflict with the objectives of CS Policies CP1 and 2 and would not accord with the provisions of DPs Policy DP9 and CS Policies CP4 and CP6 and consequently DPs Policy DP11 (a). Accordingly the proposed conversion would conflict with the provisions of the development plan as a whole. Similarly, the proposal would conflict with Framework paragraph 55.

Overall Conclusion and Planning Balance

13. Before undertaking the planning balance, I need to address the context in which that balance has to be undertaken. The appellant draws attention to the high bar set by the second bullet point under the decision-taking heading in Framework paragraph 14. This indicates that any adverse effects should significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. However, applying this "tilted balance" is qualified and is to be applied where the development plan is absent, silent or relevant policies are out-of-date. In this case, there is a development plan, the plan is not silent and I consider the relevant policies are consistent with the Framework and as such are not out-of-date. Moreover, whilst there is reference throughout the appellant's submissions to a shortage of housing, there is nothing before me to indicate that in this district there is an absence of a 5-year supply of land for housing. Therefore, the relevant policies are not considered to be out-of-date. Thus, in coming to an overall conclusion on this scheme, the "tilted balance" contained within Framework paragraph 14 does not apply in this case.

14. Sustainability does not just rely on location. It is, in my view, a concept to be assessed in the round. In social and economic terms, the proposal would provide some limited benefit by adding a dwelling to the rural housing stock. Moreover, given the absence of harm to the character and appearance of the countryside, whilst the building is isolated in planning terms, given the restrictions placed on its use by the existing permission, there is no public benefit in retaining this substantial and well-constructed building empty. Thus, given the particular circumstances of this case, I conclude that the limited benefits of the scheme and the re-use of the building would equate to an efficient re-use of an existing resource that would outweigh the conflict with the CS, DPs and Framework policies identified above. Accordingly, and having regard to all other matters raised, I conclude that the appeal should succeed.

Conditions

15. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions. I have imposed a condition specifying the relevant drawings as this provides for certainty. Given that the submitted plans show the provision of parking and turning arrangements, that the site is located some distance from the public highway and is served by an existing access road, the suggested conditions relating to vehicle access, parking and manoeuvring are unnecessary. In the interests of biodiversity a condition relating to the implementation of a method statement and mitigation measures is imposed.
16. As the site is already enclosed by a tall close boarded fence and the permission is for a single dwelling house where the choice of garden planting should be left to the discretion of the occupier, the suggested conditions relating to fencing and landscaping are unnecessary and unreasonable. This is not a building of historic or architectural interest and for the most part is obscured from public view. In these circumstances, the suggested condition relating to details and samples of the materials being made available on-site for inspection and approval is unreasonable and unnecessary.

George Baird

Inspector