
Appeal Decision

Site visit made on 8 February 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 22nd May 2017

Appeal Ref: APP/C2708/W/16/3163275

Sycamores and Beeches Cottages, Barnoldswick Lane, Burton in Lonsdale LA6 3LZ

- 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 Mrs Anita Coates against the decision of Craven District Council.
 - The application Ref 15/2016/16790, dated 26 May 2016, was refused by notice dated 12 July 2016.
 - The application sought planning permission for the conversion of agricultural building to form 2 units of holiday accommodation without complying with a condition attached to planning permission Ref 5/15/128 dated 12 January 2000.
 - The condition in dispute is No 7 which states that: *The building shall be used as temporary holiday accommodation only and shall not be used either as permanent residential accommodation or to provide second homes.*
 - The reason given for the condition is: *Conversion of the building to residential use would be contrary to national and development plan policies for development in the countryside.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not include a declaration date. As such, I have used the date the application was validated by the Council. This corresponds to the date of the application entered on the appellant's appeal form.
3. The address given on the application form omitted the postcode. For the avoidance of any doubt and for clarity, I have taken that provided on the appeal form and used it in the heading above. The address given also refers to 'Burton in Longsdale'. I understand that the correct spelling is 'Lonsdale' and thus I have used this in both the header above and the remainder of my decision.

Main Issues

4. Planning permission was granted in 2000 for the conversion of an agricultural building to form two holiday cottages, subject to conditions. The condition in dispute restricted the use of the units to temporary holiday accommodation only. The Council have indicated that cottages were granted permission under policies designed to allow farm diversification in support of the rural economy.
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It was considered at the time that new unrestricted dwellings in the countryside would not be in accordance with either national or local policies.

5. In considering the evidence from the main parties, the main issues in this case are whether condition 7 is necessary, having particular regard to:
 - (a) Whether the property is in a suitable location in terms of access to everyday services and facilities by a range of modes of transport; and
 - (b) The effect on the rural economy.

Reasons

Background and Policy Context

6. The appeal site is located in the open countryside, situated along a long unlit and unpaved country lane that serves a small group of dwellings and agricultural buildings. It is around 1.5km from the edge of the built up area of Burton in Lonsdale. There have been a number of refused planning applications seeking to remove this condition already. The issue has also been considered at two dismissed appeals, though I have only been provided with the decision for the most recent¹. Permission was granted in 2010 to convert the building into a live/work unit, though I understand this was not implemented and has now expired.
7. Saved policies H8, EMP13 and EMP14 of the Craven District (Outside the Yorkshire Dales National Park) 1999 (LP) have been put before me by the Council. The appellant has also drawn my attention to Policy EMP8. None of these appear to address the issue of access to facilities and the location of housing in relation to services and facilities.
8. Indeed, only Policy H8 relates to the conversion of buildings to dwellings and this does not mention accessibility. However, the change of use to a form of residential development has already occurred. As such, this policy is of little relevance to this appeal. This was also the view of the previous Inspector and I see no reason to conclude otherwise. Policies EMP13 and EMP14 also have little direct relevance to this aspect of the appeal which relates primarily to whether this is a suitable location for unrestricted residential use. The above policies are not therefore central to my decision.
9. The appellant has also drawn my attention to the Council's Five Year Housing Land Supply Report (2016-2021) published in December 2015. This identified a supply of 4.89 years. The Council have not disputed this figure. However, irrespective of the housing land supply position, the above policies are silent on the matter of the removal of any restrictions placed on tourist accommodation. Paragraph 14 of the Framework states that where the development plan is absent or silent, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework as a whole. In light of this, the policies of the Framework are of more relevance to the appeal than those highlighted from the LP.

¹ Appeal reference: APP/C2708/A/10/2141425

Access to Facilities

10. The removal of the condition would fundamentally alter the requirements of future occupants in terms of the need to access services and facilities. This would be particularly the case in terms of employment, education and healthcare facilities. Permanent occupants would need more frequent and regular access to these types of facilities when compared to tourists, who would only be visiting for short periods. There may also be seasonal variations in demands when the cottages are vacant, which would not be the case for permanent residents. There is a clear material difference between a holiday cottage and an unrestricted dwelling in this regard. As such, even though the holiday cottages are already dwellings, it remains important to consider whether their use as unrestricted dwellings would conform to national policy.
11. The cottages are not part of a village or defined settlement and there are only a small number of other dwellings in the vicinity of the site. From the evidence provided, and my own observations of the area, they are also poorly related to existing services and facilities, are not well served by public transport and, owing to the nature of the route to the village, are in a location unlikely to encourage trips by walking or cycling.
12. The poor access to facilities and services raises a concern that this location is not capable of meeting future occupant's needs without undue reliance on private motor vehicles. Whilst I recognise that measures to maximise sustainable transport may vary between urban and rural areas, the location of the cottages provides little realistic choice in modes of travel. The cottages are effectively already isolated dwellings in the countryside, something which paragraph 55 of the Framework actively seeks to avoid. If the condition were removed the use of the cottages would intensify and the effects of permanent residency in this isolated location would be magnified. This would be particularly the case in relation to the number and frequency of less sustainable trips that would be likely to increase significantly over and above current levels.
13. I find therefore that the cottages do not have good access to everyday facilities by a range of means of transport and removing the condition would be likely to result in a cumulative increase in less sustainable trips. This would conflict with one of the core planning principles of the Framework, in terms of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

Rural economy

14. The original permission was granted in light of policies designed to promote the rural economy and tourism facilities. This is consistent with paragraph 28 of the Framework, which sets out an objective of supporting a prosperous rural economy. The Council's evidence also makes reference to the potential for the cottages to be able to make a valuable contribution to the rural economy. When considering the intent and policy context in which the original permission was granted, it remains appropriate to consider whether the units are still able to contribute in this way, particularly in light of my concerns over their isolated location and the conflict with the Framework identified above.
15. I observed other holiday accommodation within the vicinity of the site and the appellant has alluded to competition from other properties in her evidence. It

is reasonable to assume therefore that tourism and tourist accommodation is an important part of the local economy to which the cottages are capable of contributing. However, the appellant's evidence suggests that the cottages have not been in use as holiday accommodation since 2013. The Council have not disputed this and I have no reason not to accept it. The current contribution of the cottages to the local economy is not therefore likely to be significant.

16. The Council have not provided any substantive evidence to suggest there are particular local issues in relation to holiday accommodation or the tourist economy that would suggest that these cottages perform a particularly important local function. Moreover, they have not demonstrated that there is any particular shortfall in tourist accommodation locally that meets a particular need. I recognise that visitors to the cottages would spend in the local area and support nearby visitor attractions and this would be valuable. However, permanent residents of the dwellings would make some contribution to the local economy both in terms of expenditure and potentially employment in the area.
17. Based on what I have before me, it is not possible to conclude with any certainty that the effect on the local economy would be significantly different with or without the condition. As such, while the retention of the condition would not lead to any harm to the local economy, I am not convinced it is necessary to support a thriving rural economy.

Other Matters

18. The appellant has argued that the properties are no longer viable for holiday cottage use. Evidence has been provided in relation to financial performance and the results of marketing of the property for sale over a number of years. I have not been provided with detailed accounts for all years of operation of the cottages or other substantive detailed information which corroborates the appellant's statements with regard to the trading difficulties faced.
19. There is also nothing before me which demonstrates that the physical nature or quality of accommodation is not fit for purpose. The information from the estate agent is also unconvincing insofar as it is not readily apparent that the marketing material was geared toward the continued operation of the properties as holiday cottages. The information does not convince me that there is neither a market for tourist accommodation in the area or that these units are not appropriate for that use. For all of these reasons, I do not consider that it has been fully demonstrated that the units are either inappropriate or unviable to continue to be used as holiday cottages.
20. The appellant has argued that the ability to convert agricultural buildings to dwellings under Class Q of the Town and Country (General Permitted Development) Order 2015 (GPDO) is indicative of support for the conversion of agricultural buildings to residential use. However, the Framework also seeks to resist isolated dwellings in the open countryside. I have already concluded that the removal of the condition would conflict with this objective. The GPDO includes strict conditions by which such conversions can be considered under a prior notification procedure. There is no evidence before me that clearly demonstrates the prior approval criteria would have been satisfied if a conversion from an agricultural building were now proposed. This cannot

therefore be considered to give any clear indication that the proposal before me is acceptable in planning terms.

21. The appellant has drawn my attention to another decision by the Council where they appeared to give weight to GPDO in relation to the principle of the conversion of an agricultural building to a dwelling. However, not only was the existing use of that building agricultural, I note from the officer report that there was an extant permission on that site for residential development which was given weight. The two cases are not therefore entirely comparable.
22. The appellant has suggested that planning permissions granted today for the change of use of agricultural buildings to dwellings would not be subject to conditions limiting their use to holiday accommodation. However, I can see no evidence to suggest this would be the case, and am mindful that such a proposal would still be considered with regard to the policies H8, EMP13, EMP14 and the Framework.
23. The granting of permission for the live/work unit is not evidence that the Council is content to see an unrestricted residential use on the site. The requirement for there to be some form of business activity from the unit is a form of restriction in itself and is geared toward providing an economic function. The previous Inspector did not consider this permission demonstrated the Council's acceptance that the tourism use was not viable, and I have seen nothing that would lead me to a different conclusion. I have noted the appellant's comments that Policy EMP8 would preclude the re-use of the building for another form of employment use. However, as demonstrated by the live/work permission, this is not necessarily the case. Any potential change of use would have to be assessed on its own merits.
24. I am mindful of the personal circumstances of the appellant, but I am not persuaded that these outweigh the harm arising from the proposal identified above and, in particular, the conflict with national policy.

Conclusion

25. Notwithstanding my conclusions on the rural economy, I have found that removing the condition would conflict with the intentions of the Framework in relation to managing patterns of growth, access to services, facilities and public transport and an over reliance on the car. The cottages will not currently contribute toward general market housing provision in the area and I give the contribution of 2 additional dwellings to this supply only moderate weight. None of the other factors considered carry any more than limited weight in favour of the proposal.
26. Taking everything thing into account, I consider that the adverse impacts of removing the condition would significantly and demonstrably outweigh the benefits and would result in an unsustainable form of development. I therefore conclude that condition 7 is necessary in the interests of ensuring dwellings are in locations with good access to everyday facilities by a range of means of transport and complying with national planning policy. For this reason, I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR