



Appeal Decision

Site visit made on 17 July 2017

by S Jones MA DipLP

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

Decision date: 06 September 2017

Appeal Ref: APP/N2739/W/17/3174472
The Barn, Moor Lane, Catterton LS24 8DH

- 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 Kevin Ayscough against the decision of Selby District Council.
 - The application Ref 2016/1279/FUL, dated 29 October 2016, was refused by notice dated 24 January 2017.
 - The development proposed is change of use from agricultural to residential and erection of single storey dwelling to replace the recently demolished barn.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable site for housing having regard to the supply of land for housing, the accessibility of the site and the proximity of services.

Reasons

3. The site of the former agricultural barn lies in a paddock area within the village, a short distance from other dwellings on either side and opposite a farm. The original building was roughly 25m² in area and the proposed dwelling would involve a small extension to the original footprint to create a one bedroom house of roughly 35m².
4. The area is rural with narrow country lanes and characterised by open fields and farming around the small cluster of buildings in Catterton. The village has no shops or services other than an infrequent bus service. There are no services within walking distance and the nearest service centre is roughly 6 miles away.
5. Policies allocating land in the Selby District Core Strategy Local Plan 2013 (LP) direct the majority of development to towns and larger villages and adopt a sequential approach. Catterton is classified as outside development limits for the purposes of the LP, meaning that the site is considered to be in the open countryside. Some policies may be considered not up-to-date because the Council states that it does not have a 5 year supply of housing, but does not provide information regarding the level of shortfall. However, development plan policies are still important, and it is for the decision maker to attribute their significance based on the facts of the case.

6. Nevertheless, in the event of a housing shortfall, in accordance with paragraph 49 of the National Planning Policy Framework I must take account of its paragraph 14 as a material consideration. In principle, permission would normally be granted for sustainable development. The Framework states that there are three dimensions to sustainable development: economic, social and environmental.
7. This is reflected in Policy SP2 c) of the LP because developments in the open countryside are limited to proposals which satisfy specified exceptions-notably they must have economic, community, or social benefits. There are no other special circumstances or specific restrictions upon development applying to the case. In economic terms, the proposal would bring some economic benefits through the possibility of short term employment on the construction and future occupiers would also contribute to the local economy. Socially, there would be a contribution to the housing supply, which is particularly relevant when the Council does not have a 5 year housing land supply.
8. However, the economic and social benefits are limited because the provision of a one bedroom dwelling at this location would not make a significant contribution to the provision of housing within the District as a whole. Local spending by future occupants would not be in Catterton as no local services are provided. Although the appellant refers to an affordable dwelling, there is nothing in the proposal to secure this or indicate that it falls within the definitions of affordable housing in the Glossary to the Framework. Furthermore, the proposal was sufficiently small scale for affordable housing contributions not to be required.
9. There is nothing in the proposal to show that it would enhance or maintain local vitality by contributing to community, health, or cultural well-being, or to environmental matters. The use of a sustainable drainage system and energy efficient construction would help to prevent adverse impacts on the local environment as a result of the development, rather than positively contributing to it.
10. Consequently I consider that this development in an isolated rural location, defined as open countryside, would be in an unsuitable location where there would be reliance on private cars, which weighs against the proposal. I appreciate that use of a car would also arise in urban areas. However because of the particular location there are few viable alternatives to having a car unlike in larger places. Overall, the above factors lead me to find that the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the limited benefits offered by the provision of one dwelling. To approve it would undermine the Council's carefully considered spatial strategy which is consistent with the Framework overall.
11. Therefore, I conclude that the proposal would not be in a suitable location and would not constitute sustainable development. It would therefore be contrary to Policy SP2 of the LP, paragraph 14 of the Framework and the Framework policies as a whole. This is because the proposed residence would not be in a readily accessible appropriate location nearby to local services, and would not meet rural affordable housing need, or contribute to the local economy or to enhancing or maintaining the vitality of rural communities.

Other Matters

12. This is not 'brownfield' previously developed land because agricultural sites fall outside of this definition. Although I agree that Catterton is a settlement, it is not one that has a defined limit within the meaning of Policy SP2 and so it clearly has to be considered against policies referring to the open countryside. Even were it to be reclassified as suggested, a change of category would not alter the outcome because similarly the development would still not satisfy the relevant policies about rural housing and rural vitality.
13. I understand that there have been previous approvals on the site, however demolition of the barn is likely to extinguish any rights attaching to it. In any event, each case must be determined on its own facts.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR