
Appeal Decision

Site visit made on 9 July 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/N2739/W/18/3219137

Violet Hill Farm, Moor Lane, Ryther, Tadcaster LS24 9EJ

- 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 C Smith against the decision of Selby District Council.
 - The application Ref 2018/0859/COU, dated 10 July 2018, was refused by notice dated 15 October 2018.
 - The development proposed is the continued use of land for the temporary siting of a log cabin to provide a self-contained annex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - Whether the development amounts to ancillary accommodation to the existing farmhouse, Violet Hill farm;
 - The impact of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of the occupants of Violet Hill Farm, with particular reference to privacy; and
 - Whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Procedural Matter

3. The log cabin has been erected and is in accordance with the submitted plans and therefore I am considering this development proposed retrospectively.

Reasons

4. The log cabin is sited within the residential curtilage of the farmhouse known as Violet Hill Farm. It is of a substantial size, although the underside has wheels and stilts it appears to be of a permanent fixing to a large concrete base. Its degree of permeance is also highlighted by the raised decking and metal railing fencing which has been erected around the log cabin with a ramp and stepped access.

5. The Council argue that the log cabin would not be ancillary accommodation to the main dwelling. The log cabin has independent living facilities within, there is a kitchen, living room, bathroom and 3 bedrooms. Although sited within the residential curtilage, it is enclosed by the railings and appears to have its own outside decked amenity area. This would amount to the log cabin being used independently with its own self-contained facilities. In terms of services, this is shared including water and electricity but has a separate LPG tank stored adjacent to the log cabin.
6. The appellant advises that the log cabin is occupied by his son and family who is in full time work in the agricultural business, who will eventually take over. There is no detailed and verified evidence before me to confirm that this is the case, the nature of work involved and whether there is an agricultural need for the son to be residing permanently at the site. The appellant is quite clear that they are seeking a mechanism for his son and family to permanent reside at the site, but that the log cabin would be temporary. However, planning permission has not been granted for any additional residential development at the site, and as such there is no fallback position in place to ensure that this would only be a temporary measure, I therefore give this limited weight in the appeal decision.
7. I do not consider that the use of a condition restricting occupancy would be reasonable or meet the six tests as it would be difficult to prevent the separation given the degree of permanency, size of the log cabin and facilities available for independent living. I also consider that a temporary permission would neither be reasonable or enforceable as I find that there would be little realistic prospect of the log cabin being used as an annex and it would constitute a new residential unit within the countryside. The development would therefore be at odds with the Council's restrictive policies for new housing within the countryside particularly Policy SP2 where development is resisted unless it involves the replacement or extension of existing buildings or the re-use of buildings preferably for employment purposes.
8. Although, it would add to the supply of smaller-sized homes within the district and is likely to be more affordable than 'permanent' residential accommodation. There is no cogent evidence to justify the proposal on the basis of an identified essential or demonstrable local need.
9. I conclude that the proposed development would not be ancillary accommodation it would create an additional residential dwelling in the countryside contrary to Policy SP2A(c) and SP4(a) of the Selby District Core Strategy Local Plan, 2013, which aim to control and limit the types of development allowed within the countryside; requires well-designed new buildings, which contribute towards and improve the local economy; or are for local need.

Character and appearance

10. The development is located within a prominent area of open countryside, although the farm buildings screen the appearance of the log cabin from the north and there are a number of planted trees within the residential curtilage of Violet Farm, it can be clearly seen from views from across the south and Moor Lane. The pre-fabricated brown clad and shallow pitched grey roof combined with the excessive decking and railings would not comprise high quality design. Whilst the adjacent buildings are agricultural metal sheds, the log cabin would

be at odds with the distinctive qualities of the wider area which include a mix of brick and stone houses, traditionally constructed with steeper pitch roofs. The proposal would conflict with development plan policies that protect the countryside and its pleasing rural character and appearance.

11. I therefore conclude that the development would cause harm to the character and appearance of the area and would be contrary to Saved Policy ENV1 of the Selby District Local Plan, 2005 and Policy SP19 of the Selby District Core Strategy Local Plan, 2013, which only permits development of high quality design and considers the effect upon the character of the area; standard of layout, design and materials in relation to its surrounding and associated landscaping; and open countryside.

Living Conditions

12. The log cabin features several pre-fixed windows with openings. Particularly the window on the north elevation would face towards the residential dwelling of Violet Hill Farm. There is some distance between this, and the height of the window on the log cabin would not result in a directly facing window where it occupants could clearly look into the windows of the dwelling impacting on privacy. In terms of the other windows on the east elevation, although directly facing onto the grassed amenity area, there is some planting which restricts the window views, therefore I do not consider that this would cause unnecessary or harm to the living conditions of occupants of Violet Hill Farm in regard to privacy. However, this does not outweigh the other harm I have found.

Flooding

13. There appears to be some disagreement at the time of the planning application as to flood zone the site falls within, however the location of the proposed development would fall within the Environment Agency flood map within flood zone 2. Therefore, I have no evidence to disagree with the Council's findings on this and that a sequential test has not been undertaken, as such the proposed development would be classed as a more vulnerable use and fails to demonstrate that the development would be located safe from flood risk and that flood risk would not be increased elsewhere.
14. As such it would be contrary to Section 14, Planning and flood risk within the National Planning Policy Framework, paragraphs 155 and 163, which aim to ensure inappropriate development in areas at risk of flooding should be avoided; where necessary ensuring it is safe for its lifetime without increasing flood risk elsewhere; and where appropriate, applications should be supported by a site-specific flood risk assessment.

CONCLUSION

15. For the reasons given above and taking into account all matters raised, I conclude that the appeal should be dismissed.

Karen Taylor

INSPECTOR