



Appeal Decision

Site visit made on 25 June 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/C9499/W/19/3225263

**Cam Cottage Barn, Sally Lane, Kettlewell, nr Skipton, North Yorkshire
BD23 5QU**

- 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 Dr Phillip and Mrs Georgia Sugarman against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/46/273, dated 17 June 2018, was refused by notice dated 5 December 2018.
 - The development proposed is change of use of traditional building to form holiday let.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given on the application form, set out in the banner heading above, refers to a change of use of the building to form a holiday let. Whilst the description of development on the decision notice refers also to local occupancy, from the information before me, including the appellants' statement of case, I am satisfied that the description given on the application form is accurate. I have therefore determined the appeal on this basis, as a holiday let rather than for local occupancy.
3. On 19 February 2019, the Government published an updated revised version of the National Planning Policy Framework (the Framework). In relation to the main issues in this appeal, Government policy has not materially changed, and no parties have been prejudiced by my having regard to it.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on highway safety, in respect of the adequacy of parking provision;
 - Whether it would provide acceptable living conditions for future occupiers with specific regard to outside space provision.

Reasons

Highway safety

5. Situated within the village of Kettlewell, Cam Cottage Barn is a small traditional stone building within the Kettlewell Conservation Area. It comprises two bays on different levels with a small rear extension. The upper section has been

- subject to some alterations, including re-roofing, to facilitate its present use mainly for storage. The appeal proposal would change its use to a one bedroom holiday let.
6. The building fronts directly onto Sally Lane, an unmade track and former coach road that is also a well-used public right of way. The track extends north-eastwards from the village, directly off a wide corner at Far Lane/Westgate. It narrows somewhat beyond the site, reaching a pedestrian stile and stone wall as the footpath continues to the next village. Diagonally opposite Cam Cottage Barn is a detached house (Summer Cottage) whilst across from it is the entrance to a further group of cottages, built around a courtyard.
 7. Policy SP4 of the Yorkshire Dales National Park Local Plan 2015-2030 (December 2016) (YDNPLP) advises that, amongst other matters, all development proposals should not prejudice highway safety (part g) and also provide appropriate access and parking provision (part k).
 8. In this instance, no off-street parking for future holiday cottage occupants would be provided. Whilst some guests may choose to arrive by bicycle or on foot or use the bus service from Skipton, given the size of the proposed holiday let, it is likely that it would typically result in one additional car.
 9. Reliance on on-street parking is not uncommon for many properties within Kettlewell. On my site visit, undertaken on a weekday, I saw the tight-knit form of cottages within the core of the village and some on-street parking in front of houses, particularly along the wider part of Far Lane, close to the appeal site.
 10. I appreciate that my site visit represents a 'snapshot' of prevailing highway conditions in respect of parking. However, I observed many informal 'no parking' signs pinned to the front of houses/walls, which I consider to be indicative of the parking pressures within the village. Representations have similarly been made by residents and the Parish Council in respect of existing issues. The North Yorkshire County Council Highway Authority also recommended that the application be refused due to the absence of adequate on-site parking in an area where parking is already constrained.
 11. There are public car parks serving Kettlewell, for which it is possible to buy a parking pass, and which are supplied to occupants of other holiday lets within the village to reduce on-street parking pressure. However, the main car park is sited approximately 300m from the site. Such a distance would, in my view, be a disincentive to use it. I also have nothing before me, such as surveys, to demonstrate parking availability within the village car parks, particularly during peak holiday periods when a holiday let would most likely be in demand. I therefore cannot be certain that a space within a car park would always be available.
 12. I appreciate that, irrespective of whether there has been any parking on Sally Lane previously, an instruction of no parking outside the appeal site could be conveyed to any future occupants of the proposal. Nevertheless, in the absence of any dedicated off-street provision, it would be likely that occupants of the holiday let would at some time seek to park on the street within the village.
 13. Even if the proposal generated only one vehicle, this would lead to additional demand for on street parking within the local area, which is already subject to

- parking pressure, and evidently the cause of some parking stress and inconvenience for existing residents.
14. Furthermore, although the road into the village onto which Sally Lane opens is relatively wide, those running towards the site from the B6160 are typically narrow. Consequently, I have had regard to the Council's evidence that the presence of cars parked on the road would mean that traffic would have to reverse and manoeuvre to allow other cars to pass. It is also likely that the presence of cars parked on-street would cause difficulties for larger delivery vehicles. In such circumstances, the additional demand for on-street parking would be harmful to highway safety.
 15. The appellants refer to a previous approval of residential accommodation as a result of the conversion of a garage fronting Westgate¹, without car parking provision. I have not been provided with the planning history nor any plans, although it was determined in 2010 and pre-dates both the current Development Plan and the Framework. On the information before me, I do not find it to be directly comparable and, in any event, the appeal must be considered on its individual merits.
 16. I therefore conclude that the proposal would have an unacceptably harmful effect on highway safety by reason of inadequate parking provision. This would be contrary to Policy SP4 (g) and (k) of the YDNPLP, which requires development to not prejudice highway safety and to provide appropriate access and parking provision.
 17. The Framework is also clear that development proposals should ensure that safe and suitable access to the site can be achieved for all users. It advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For the reasons set out above, I consider that the increased demand for on-street parking within a village that is already subject to high levels of parking pressure would be likely to result in an unacceptable impact on highway safety. In this regard, the proposal would also conflict with the Framework.

Living Conditions

18. As the appeal site extends to the building only, there would be no opportunity for any external private garden space associated with the proposed conversion. However, the nature and pattern of usage of a holiday let would, in my view, be different to a dwelling in permanent residential use. Furthermore, to restrict its use to a holiday let could reasonably be secured by a planning condition.
19. The Council are concerned that the lack of outdoor space might lead visitors to move furniture outside and result in domestic paraphernalia being sited on Common Land to the front of the building. However, from my observations, this would be a very public place along a footpath that appears well-used, which would reduce its attractiveness. Furthermore, the footpath provides direct access to the wider countryside within which there would be plenty of opportunity to sit outside, in addition to public open space within the village.
20. Given the proximity to open countryside, I am also not persuaded that the lack of private garden space would mean that it would be difficult for future

¹ Council Ref: C/46/227

occupiers to keep dogs or children under control or carry out other common domestic activities outside, during a holiday occupancy. In relation to drying washing for example, a washing machine is shown within the bathroom and, as the appellants point out, the property would have a washer/dryer. The building would also not be so small that it would not be possible to store outdoor equipment such as waterproofs, boots and other equipment that may be required for a holiday cottage in the countryside. A bin and recycling store would also be incorporated within the building, which would prevent encroachment of refuse provision onto the footpath/Common Land.

21. I therefore conclude that given the nature of the proposal as a holiday let rather than permanent residential accommodation, the absence of private garden space would not be harmful to the living conditions of future occupiers of the building, who would reside in it on a short-term holiday basis. I therefore find no conflict with Policy SP4 (n) of the YDNPLP (2016) in respect of providing an appropriate level of amenity. I also find no conflict with the Framework with regard to providing a high standard of amenity for future users.

Other Matters

22. Although the impact of the development on the Kettlewell Conservation Area (the CA) is not a matter that the Council considered to be an issue, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I observed that the change of use would re-use existing openings, it would respect the local vernacular and be sympathetic in its use of natural/traditional materials. Consequently, I find that the proposal would preserve the character and appearance of the CA.
23. The building is also identified to be of some historic significance, and an undesignated heritage asset. The Council's Senior Listed Building Officer raised no objection to the proposal subject to a suitable photographic record of the building internally, and its conversion would be a mechanism to preserve its heritage value. Furthermore, it would provide accessible tourist accommodation that would be likely to result in some consequential support to the local rural and tourism economy. These factors weigh in the scheme's favour. However, as a consequence of the modest scale of the proposal, its contribution would be small, and it would not outweigh the harm that I have identified with regard to highway safety.
24. I have also had regard to the appellants' personal statement and concerns about the Council's handling of the application. But, in my determination of this appeal, I must consider only the planning merits of the case before me.

Conclusion

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. Whilst I find that it would not be harmful to the living conditions of future occupiers, I have found that the proposal would have an unacceptably harmful effect on highway safety by reason of inadequate parking provision. It therefore does not comply with Policy SP4 of the Local Plan. No material considerations have been identified that would indicate making a decision other

than in accordance with the development plan and consequently, the appeal must fail.

26. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

Kate Mansell

INSPECTOR