



Appeal Decision

Site visit made on 12 November 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 19 December 2019

Appeal Ref: APP/C9499/W/19/3235925

Hawes Methodist Church, Main Street, Hawes DL8 3QW

- 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 Matthew and Sally Faulkes; Ian Morton; and Heritage Apartments Ltd against the decision of Yorkshire Dales National Park Authority.
 - The application Ref R/56/498, dated 16 October 2018, was refused by notice dated 11 April 2019.
 - The development proposed is the change of use and conversion of church and Sunday School (Use Class D1) to three apartments and two cottages for holiday let accommodation (Use Class C3).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Matthew and Sally Faulkes; Ian Morton; and Heritage Apartments Ltd against Yorkshire Dales National Park Authority. This application is the subject of a separate Decision.

Procedural Matters

3. I have adopted, with amendment, the development description as set out on the Council's Decision Notice in the heading, above as it more accurately describes the application type and the nature of the proposal. I am satisfied that in so doing, neither party would be prejudiced and I have determined the appeal accordingly.
4. The appellants have submitted a draft Unilateral Undertaking (UU) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). The UU obliges the appellants to ensure that the dwellings shall not be occupied other than as short-term holiday accommodation and defines such occupation as being for not more than 28 consecutive days and not more than a total of 56 days in any one calendar year. The UU also requires the keeping of an up to date register of all persons occupying the accommodation and to ensure that the accommodation is not occupied as a person's sole or main residence.

Main Issue

5. The main issue is whether the appeal property is an appropriate building for conversion to holiday let accommodation, with particular regard to highway and

pedestrian safety and the free flow of traffic and the living conditions of nearby residents.

Reasons

6. The appeal building is a substantial building located centrally within Hawes. It has minimal outdoor space around it which is restricted to two small, enclosed forecourt areas on either side of the steps leading up to the main entrance, and a small yard / passageway access to the rear. Of these areas, the former are largely inaccessible due to a wall and railings and are constrained by its limited dimensions, whilst the latter is partly occupied by a heating oil tank.
7. The Council do not object, per se, to the conversion of the building to holiday let accommodation. However, the limited amount of outdoor space around the building would, the Council aver, pose significant difficulties in the effective servicing of the units. Moreover, not only is there a limited amount of space around the building within its restricted curtilage, but the public areas around it are also similarly constrained.

Highway and pedestrian safety and the free flow of traffic

8. The main road through Hawes runs to the front of the building and, whilst it is part of a one-way system, it is nonetheless narrow, parking is restricted and it provides limited scope for the pulling in of vehicles. Indeed, during the course of my visit to the site, I observed the difficulties faced by through traffic while a nearby business was receiving a delivery. At the rear, the road is narrower still and, being two way, relies on the goodwill of drivers and the presence of residential driveway openings to allow vehicles to pass.
9. The proposed scheme of conversion would create five holiday let units. Three of these would be housed within the main body of the church and would be one-bedroomed, whilst the two units in the former Sunday School building at the rear would be two bedroomed. There is, as described above, very limited space around the building. Thus, not only would there be no scope within the appeal site for the parking of guest's vehicles, the ability for guests to unload or load would be almost as equally scarce and problematic with regard to the flow of vehicles along the roads to both the front and rear of the building.
10. The site's dual frontage would, to an extent, spread the burden of loading and unloading between the roads at the front and rear of the building. This would be further assisted by an internal passage within the building providing access internally from front-to-rear. However, it would only take occupiers of one of the holiday lets to load / unload at either front or rear to impinge upon the free-flow of traffic or pedestrians along the respective roads. The potential for guests at all five units to arrive within a limited 'change over' period would increase the likelihood of disruption arising in this respect.
11. I note that the appellants have proposed arrangements to secure car parking permits at the Dales and Countryside Museum, a short distance away. I noted too, other car park locations within the village but it is not, in my experience, particularly uncommon for guest parking to be remote from holiday accommodation in historic or tourist settings. However, that provision, whether at the Dales and Countryside Museum or elsewhere, is not particularly conveniently located for longer term parking and would do little to alleviate the arrival / departure difficulties that I have noted above. In any event, I have no

mechanism before me to ensure that such provision is provided and retained and so I give this matter limited weight.

12. A staggered 'check in' arrangement across the five properties may ease pressure of arrivals but, as noted by the Council, the popularity of Hawes and the surrounding area as a tourist attraction is such that guests would be likely to be attracted from some distance. Arrival timings could not be guaranteed with any degree of reliability for one unit, let alone five, whilst the larger units may also attract couples or small groups rather than a family unit, and so arrivals in only one vehicle per unit could also not be guaranteed. And of course, the comings and goings associated with holiday-let accommodation would not just be restricted to 'change over day', but would very likely be more frequent, particularly given the attractions and activities that Hawes and the surrounding area offer.
13. However, I do not find the absence of on-site parking to be solely determinative, and the proposal would, in any event, be likely to place a lesser burden on parking in Hawes than the continued use of the building as a church or other uses falling within Use Class D1. Rather, it is the severe lack of space around the building and the constrained and restricted nature of the local highway network which combine to such an extent that the proposed scheme of holiday accommodation would fail to provide appropriate access for the level of development that the conversion would bring forward. The quantum of development proposed, when combined with these factors would be such that ad-hoc and transient arrangements for loading and unloading would be detrimental to the amenities of nearby residents through the disruption and inconvenience which would arise.
14. Yorkshire Dales Local Plan (YDLP) policy SP4 sets out broad criteria against which development proposals will be considered. For the reasons I have set out, the proposal would not provide any on-site access, manoeuvring or parking provision and it has not been satisfactorily demonstrated that it would not prejudice the free flow of traffic or pedestrian and highway safety as a consequence. The proposal would fail to provide development of an appropriate quality and would be in conflict with the development quality aims of YDLP policy SP4(k). Although YDLP policy SP1 is also referred to in the reason for refusal, it has not been adequately demonstrated how the proposal for be in conflict with its broad provisions and the weight that I give it is correspondingly limited.
15. I have carefully considered the appellants' case regarding the fallback position provided by either the continued use of the building as a church and Sunday School premises, or for other purposes falling within Use Class D1. I accept that in both instances those uses of the building would potentially attract a volume of visitors in excess of that which is likely for the proposed holiday-let accommodation. However, those uses are more likely to attract locals and, even if such uses have a wider catchment than just Hawes itself and people access the building by car, they are more likely to be aware of the limitations of the appeal building and its immediate surroundings, and also aware of the other options available within Hawes. Thus, whilst I give some weight to the fallback position, it is not sufficient to justify the conversion of the appeal building to five holiday let units.

Living conditions

16. Despite its central location within the village, the appeal building is surrounded by residential properties. Although these properties share many of the traits of the appeal property's locational context and grain, they appear to be less constrained by the limitations of their plots. Thus, I saw larger forecourt areas or accesses to off-road areas for the servicing of those dwellings, for the parking of vehicles and for the storage of waste receptacles and fuel.
17. The appeal site does not similarly benefit from such areas. It is suggested that the refuse storage facilities could be located internally within the building, but it is not clear from the submitted plans where such provision would be made. I cannot therefore be certain that such provision could be accommodated or, if it could, whether such arrangements would be practical, easy for guests to use and manageable by the appellants or their representatives.
18. However, crucially, it is not clear how these arrangements, even if they could be accommodated successfully within the building, would translate to the collection of waste and recyclable materials. The limited outside space and a need to retain access to the indicated rear 'fire exit' door would preclude not just the retention of the existing oil tank, which is indicated to be removed, but also the siting for collection of waste and recycling for all five properties.
19. It is not clear therefore how such provision would be made without impinging upon either the edge of the carriageway at the rear of the property or other neighbouring properties. I have noted the bin store dimensions set out in the appellants' final comments but I do not consider that this information adequately or satisfactorily demonstrates that such provision could be made in the available space without impinging upon surrounding land, or access to it.
20. It may be that a lesser quantum of development would mean a corresponding reduction in waste storage space requirements such that it could more readily be accommodated within the building, but arrangements for outside storage and collection would remain equally problematic. For the reasons I have set out, the lack of available and usable space around the building combined with the quantum of development proposed would be such that appropriate provision for the storage, and storage for collection, of waste and recycling which respects the amenities of neighbours has not been demonstrated. As such, the proposal would be in conflict with YDLP policy SP4(n) and (p).
21. The Council do not object to the impact of the proposal on living conditions of occupiers of neighbouring properties in terms of privacy. From what I have seen of the appeal building and neighbouring properties I do not disagree. Whilst they do object in terms of a lack of provision of outdoor amenity space for occupiers of the proposed holiday-lets, I am not persuaded that the absence of such is critical for short-term holiday lets in an area where guests are likely to be drawn to active and outdoor pursuits. However, these factors do not alter my conclusion in respect of living conditions as set out above.

Unilateral Undertaking

22. The appellants have submitted a UU to secure the occupation of the holiday let units as short-term holiday accommodation. The UU sets out the maximum length of stay and total stay over the course of a calendar year for guests, the keeping of a register of guests and to ensure that the accommodation is not a

sole or main place of residence. Whilst the UU has been submitted only in draft and undated form, I do not find this to be critical as I accept the appellants' argument that such matters may be adequately dealt with by way of planning condition rather than by UU. However, even if they were to be dealt with in that manner, this would not overcome the harm that I have identified above.

Conclusion

23. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR