



Appeal Decision

Site visit made on 7 October 2019

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/G2713/W/19/3233868

Crakehall Ings, Ings Lane, Kirkbridge, Crakehall, Bedale DL8 1PN

- 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 Lee Green against the decision of Hambleton District Council.
 - The application Ref 19/00348/FUL, dated 13 February 2019, was refused by notice dated 4 June 2019.
 - The development proposed is described as 'conversion of barn to provide a 3 bedroom dwelling and the erection of a timber garage / garden store'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address differs on the application form, the decision notice and the appeal form. For clarity, I have used the address provided on the appeal form as this appears to be a more accurate reflection of the site's location.

Main Issue and Reasons

3. The main issue is whether the appeal site is a suitable location for housing, having regard to local and national planning policies and accessibility to services.

Background

4. The appeal site is a former agricultural barn as part of a group of buildings which make up the former farmstead of Crakehall Ings. In 2017 planning permission¹ was granted to convert the appeal building into holiday accommodation which included partial demolition, the construction of a garage/garden store, and associated works. The appellant has advised that these works have commenced with part of the original structure having been demolished and foundations and a new slab floor having been developed.
5. The appeal seeks a change of use of the building to provide an unrestricted three bedroomed dwelling along with a timber garage/garden store building.

Suitability of the location

6. It is common ground between the parties that the site lies beyond any settlement and is, therefore, within the open countryside. The nearest

¹ Local Planning Authority Ref. 17/01572/FUL

services and facilities are located in the village of Crakehall, approximately 1 mile to the west of the appeal site and identified as a Service Village by Policy CP4 of the Hambleton Core Strategy 2007 (the HCS). The proposed development would, therefore, be located some distance away from the settlement and is physically separated by intervening countryside. Its isolated location means that it would be remote from the services and facilities required for day to day living such as shops, schools, health and community facilities, etc.

7. The site is not served by public transport and, as I observed at my site visit, Ings Lane is a narrow unmade track with no pedestrian footways or lighting and is used by agricultural traffic and machinery. Such factors mean that it would not be an attractive route for pedestrians, cyclists or families with young children, particularly after dark and during periods of inclement weather. As such, even when recognising the transport differences between urban and rural areas, the future occupiers of the development would be heavily reliant on the use of the private motor car to access day to day services and facilities.
8. Such a lack of accessibility by means of transport other than the private car weighs significantly against the proposal and is contrary to the sustainable transport aims of the Framework. It would, therefore, conflict with policies CP1 and CP2 of the HCS which, amongst other things, seek to secure sustainable development that reduces the need to travel by private car.
9. In countryside locations, such as the appeal site, Policy CP4 of the HCS controls the development of isolated dwellings, providing exceptions whereby such developments would be acceptable. Criterion iv. of Policy CP4 allows for proposals which would re-use existing buildings without substantial alteration or reconstruction and where it would help to support a sustainable rural economy. However, the appellant accepts that the appeal proposal does not meet any of the exceptions set out in Policy CP4 and that, consequently, the proposal would be a departure from the development plan. I agree, as the proposal involves substantial alterations to the existing building, including substantial demolition and rebuild to the extent that less than half of the original structure would be retained. This would go well beyond the provisions set out in Policy CP4.
10. The appellant suggests that the proposal would be compliant with paragraph 79 c) of the Framework, which post-dates the publication of the HCS. This allows development that would re-use redundant or disused buildings and where there would be an enhancement of the immediate setting. While Policy CP4 of the HCS goes beyond this requirement it does not conflict with the general principle set by the Framework and, therefore, in this regard, I consider Policy CP4 to be in general conformity with national policy. Furthermore, this policy provision cannot be read in isolation and, as paragraph 3 of the Framework advises, 'the Framework should be read as a whole (including its footnotes and annexes)'. Therefore, when considered against Section 9 of the Framework, which seeks to promote sustainable modes of transport by focusing development on locations which are sustainable, the proposal would be deficient due to its poor accessibility to services and the resultant reliance on the private motor car that would in turn increase harmful emissions. This approach is echoed locally by Policy CP2 of the HCS.

11. The appellant considers that the implementation of the previous planning permission² and the operation of the conversion as holiday accommodation has become too costly and is unviable. A single letter has been provided from a local letting agent which expresses some concern over the accessibility of the proposed holiday let for disabled persons and for young children in prams or pushchairs. They also consider that the holiday let would be isolated with difficult access arrangements via a dirt track. The overall suggestion is that the property would be difficult to let on a regular basis and subsequently the agent would not consider adding it to their portfolio of holiday lets. As a consequence, the appellant is of the view that this renders the holiday let scheme to be unviable and therefore provides a justification for allowing an unrestricted dwelling as an alternative scheme.
12. However, I do not find the appellants case to be compelling, especially considering that the conversion under the previous permission is far from complete, let alone established as a holiday let business. Limited evidence has been put forward to support the appellant's assertions and while they refer to market testing, I have not been provided with any details of this. While local agents may have been reluctant to provide their views over the viability of the holiday let business this does not assist the appellant's case and such views alone would be unlikely to prove viability or otherwise. As such, I am not convinced that any exceptional circumstances have been demonstrated.
13. I accept that some holiday let accommodation, for a number of reasons, may become unviable and, therefore, the re-use of such accommodation as a permeant dwelling may exceptionally be justified when a robust case is put forward and is supported by strong evidence. However, in this case such an approach is premature as there is no holiday let business. Accordingly, this is not a material consideration that would outweigh the lack of compliance with the development plan or the Framework.
14. For all these reasons, I conclude that the proposed development would result in an isolated dwelling in the countryside with no exceptional circumstances having been demonstrated. Therefore, the appeal site is not a suitable location for housing, having regard to local and national planning policies and accessibility to services. Consequently, it would not accord with Policies CP1, CP2 and CP4 of the HCS and the Framework which, when read as a whole, seek to focus development on sustainable locations which minimise the need to travel and help to maintain the vitality of rural communities.

Other Matters

15. Whilst there is no objection to the design of the proposal and it is acknowledged that the development would add to the local housing mix, these matters do not outweigh the harm and policy conflicts that I have found.
16. The appellant raises a number of concerns over the Council's handling of the planning application. In particular, matters relating to the site visit by Committee Members, the protocols of the Planning Committee, the conduct of some Members of the Committee during the Planning Committee meeting and a lack of clarity in the minutes of the meeting with regard to the reason

² Local Planning Authority Ref. 17/01572/FUL

for refusal. However, these are not matters for my consideration and instead should be referred for resolution via the Council's complaints procedure, if the appellant so wishes.

17. I acknowledge the appellant's willingness to cooperate with the Council and that they have had positive discussions with Council Officers, but this does not justify a decision other than in accordance with the provisions of the development plan.

Conclusion

18. For the reasons I have set out, and having considered all other matters raised, the appeal is dismissed.

Jeff Tweddle

INSPECTOR