



Appeal Decision

Site visit made on 1 June 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6 July 2020

Appeal Ref: APP/C9499/W/19/3242352

The Gars, Gars Lane, Newbiggin-On-Lune CA17 4NB

- 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 M Bowman against the decision of Yorkshire Dales National Park Authority.
 - The application Ref E/12/33B, dated 23 September 2019, was refused by notice dated 19 November 2019.
 - The development proposed is described as 'full planning permission for the change of use of a barn to form a single dwelling and the installation of a septic tank.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application to which this appeal relates followed the refusal of two previous applications¹. One was for the conversion of the appeal building to form a single storey dwelling and the other was for the conversion of the appeal building to form a two storey dwelling. Both applications were subsequently dismissed on appeal². The appeal decisions were the subject of a complaint to the Planning Inspectorate by Yorkshire Dales National Park Authority, which was upheld in part. I have had regard to the previous decisions and the outcome of the complaint in my determination of this appeal.
3. The appellant asserts that the appeal building is in mixed residential and agricultural use and should be considered as Brownfield Land, as defined in the National Planning Policy Framework (the Framework), and so suitable for redevelopment for housing. However, on my site visit I saw no evidence which confirms that the building was being used in part for residential purposes. This combined with its separation from the nearby dwellings, I consider that it is reasonable to conclude that the use of the building is purely agricultural. As such, it is excluded from the Framework's definition of Brownfield Land and I have determined the appeal on this basis.

Main Issue

4. The main issue is whether the building would be suitable for conversion to housing having regard to the effect upon the character and landscape of the area, including the Yorkshire Dales National Park.

¹ Application Refs: E/12/33 and E/12/33A.

² Appeal Refs: APP/C9499/W/19/3223100 and APP/C9499/W/19/3223103.

Reasons

5. The appeal site is located in the open countryside to the west of Newbiggin-on-Lune, within the Yorkshire Dales National Park (the National Park). National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks³ are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.
6. In accordance with paragraph 172 of the Framework, the conservation and enhancement of the landscape and scenic beauty of the National Park is a material consideration to which I attach great weight.
7. The appeal building is sited within a low lying area of land with a small extent of hardstanding on three sides and open countryside on the other. It lies approximately 35m away from and at a lower level to The Gars and Gars Cottage, with which it is associated, and is accessed by an existing private track from The Gars. It is a single storey barn constructed of coursed rubble stone with quoins and with a pitched slate roof. It was formerly a two storey traditional agricultural threshing barn which was reduced in height following storm damage in 1990.
8. I observed on my site visit that it is currently being used to house chickens and for storage purposes. Although modest in size and scale, given the topography of the surrounding land, it is a prominent structure when viewed from the A685, Gars Lane and the nearby public right of way. I concur with the previous Inspector in that it no longer retains the appearance of a traditional barn but, nevertheless, appears to be in reasonable structural condition and makes a neutral impact on the landscape.
9. The proposed development is for the conversion of the appeal building to a one bedroom single storey dwelling and the installation of a septic tank.
10. Policy RUR3 of the Eden Local Plan 2014 – 2032 (ELP) relates to the re-use of redundant traditional rural buildings in rural areas and sets out nine criteria, all of which are required to be met for a proposal to be compliant with the Policy. Supporting text to the Policy states that its primary purpose is to 'maintain and protect the character and landscape of Eden's rural areas whilst recognising that there may be occasions where the sensitive conversion of traditional rural buildings may result in either bringing a new building back into use or the conversion to a more suitable use.'
11. There is agreement between the main parties that the proposed development complies with criteria 5, 7, 8 and 9, but dispute as to whether it complies with criteria 1, 2, 3, 4 and 6.
12. Criterion 1 requires that 'the building is capable of conversion without the need for extension, significant alteration or full reconstruction.' The proposed development would involve raising the eaves of the western section of the appeal building from about 2.4 to 2.75m and the ridge of the roof from about 4.6 to 5.6m. It would also involve the reuse of existing openings (although some would be altered in size and form), the creation of new openings and the installation of rooflights.

³ Section 11A(2) of the National Parks and Access to the Countryside Act 1949 (as amended).

13. I acknowledge that the proposed changes to the appeal building are limited in their extent and, as asserted by the appellant, are no more than necessary to facilitate its conversion to a dwelling. Nevertheless, it is evident that to allow the building to be used for residential purposes it requires to be extended upward and altered. Taking Policy RUR3 at face value, this means that the proposed development would not meet criterion 1.
14. Criterion 2 requires that 'it can be demonstrated that the building is of sufficient architectural quality to make it worthy of retention.' The Authority states that traditional barns are considered to be non – designated heritage assets for the contribution that they make to the cultural heritage of the National Park. However, there is no part of the supporting text to Policy RUR3 which confirms this and no information has been provided to support this assertion.
15. Taking into account the evidence submitted and my observations on site, I consider that the surviving structure of the former threshing barn, which dates from the mid-19th century, possesses some historical and evidential value. The building's vernacular form and construction, using traditional methods and materials, are illustrative of this particular type of historic field barn.
16. Nonetheless, it is apparent that a substantial part of the historic barn has been lost along with some of its most important architectural features which were indicative of its former use. In addition, changes have been made to it, such as the addition of a mono-pitch outshot and a new roof, which fundamentally distort how the building is read and understood both as a historic structure and within the landscape.
17. Together, these factors have severely eroded the building's historic integrity and architectural value to the extent that it cannot be considered of sufficient architectural quality to make it worthy of retention. This is in line with the Planning Inspectorate's response to the Authority's complaint which stated that, 'It therefore seems that the Inspector found that the building...has little architectural merit.' As such, the proposed development would not meet criterion 2.
18. Although not explicitly referenced in its delegated report and reason for refusal, in its statement of case, the Authority also consider that the proposed development would not comply with criteria 3, 4 and 6 of Policy RUR3.
19. Criterion 3 requires that 'the proposal is of a high quality design, retaining the design, materials and external features that contribute positively to the character of the building and its surroundings.' Criterion 4 requires that 'the building and its curtilage can be developed without having an adverse effect on the historic environment, the character of the local landscape or its setting.' Finally, Criterion 6 requires that 'the building can be serviced by existing utilities, or where the provision of new utilities is necessary, such provision can be achieved without resulting in unacceptable adverse impacts on the landscape or rural character of the area.'
20. I recognise that the proposed development would not restore the building back to its original form and design, and that it has the potential to subtly change the character and appearance of the building and its curtilage from agricultural to domestic. However, I am not aware of any material changes to the proposed scheme or the Policy position that would cause me to take a different view on

these matters to that stated by the previous Inspector. On this basis, the proposed development would comply with criteria 3, 4 and 6.

21. The proposed development complies with Policy RUR3 in some respects. However, the Policy clearly requires all of the criteria to be met and recognises that 'not all buildings in rural areas will be suitable for conversion.'
22. I acknowledge that the previous Inspector found a limited degree of conflict with Criterion 2 and that 'overall, the proposed development would cause no harm to the historic environment or the local landscape.' Nevertheless, given my findings above, I consider that, in conflicting with the first and second criteria of Policy RUR3, it follows that the conversion of the building to residential use would not maintain and protect the character and landscape of Eden's rural areas. In doing so, it would not meet the primary purpose of the Policy or first purpose of the National Park.
23. The appellant contends that without investment the barn could fall into a state of disrepair and eventually be demolished with the remaining heritage value lost forever. Nevertheless, although no structural survey has been submitted, the barn appears to be structurally sound and is in use in association with the farm. Therefore, I am not persuaded that its future condition and use would be in doubt if the appeal were to fail.
24. I acknowledge that the appellant is willing to accept conditions for mitigation to make the proposal acceptable. However, the imposition of conditions would not overcome the issue of the identified conflict with Criteria 1 and 2 of Policy RUR3.
25. Accordingly, I find that the building would not be suitable for conversion to housing as it would not maintain and protect the character and landscape of the area, including the Yorkshire Dales National Park. This would be contrary to Policy RUR3, Paragraph 172 of the Framework and the first purpose of the National Park referred to above.
26. The Authority has also referred to Policy DEV5 of the ELP in its reason for refusal. However, given my reasoning above and in line with the findings of the previous Inspector, I consider that the proposed development would not conflict with this policy.

Planning Balance

27. I have found that the building would not be suitable for conversion to housing as it would not maintain and protect the character and landscape of the area, including the Yorkshire Dales National Park. This would be contrary to Policy RUR3 of the ELP. I have found this policy to be generally consistent with the relevant aims and requirements of the Framework and, whilst it can restrict development, I attach substantial weight to it and the harm that arises, in this case, from the conflict I have found with it.
28. The proposal would secure the retention and refurbishment of the remains of a former threshing barn. However, as it has been found that the building is not of sufficient architectural quality to make it worthy of retention under Policy RUR3, this can only be afforded very limited weight in favour of the appeal.
29. The proposal would create one additional dwelling that would contribute to the local housing stock within the National Park. In addition, there would be some

social and economic benefits derived from the refurbishment and occupation of the building and by way of future occupiers supporting local services and facilities. These benefits are reduced by the single dwelling that is proposed but still carry moderate weight in its favour.

30. The appellant has referred me to a High Court Judgement⁴ which found that even if there is a breach of a particular policy, there may still be overall compliance with the plan as a whole. However, no evidence of any additional policy support for the proposal at the local level through the local plan has been provided. Reference is also made by the appellant to national policy support within the Framework for boosting the supply of housing⁵. However, Planning Law states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The ELP is a recent plan which was found sound. Consequently, I attach limited weight to these matters.
31. The appellant contends that the Authority is currently failing in its Corporate Plan 2019-20 target for housing completions⁶, and that the proposal would provide an additional dwelling, for a local resident that is 'affordable'. Nevertheless, the Authority has confirmed that the Corporate Plan is an internal target. In relation to the ELP, using the most recent figures available, as of 31 March 2018 Eden District Council had a supply of permissions and allocated sites for the full plan period, including the first five years⁷. The appellant has not directly challenged this position and there is no evidence before me which would cause me to question its validity.
32. Even if I were to accept that the Authority cannot demonstrate a five year supply of deliverable housing sites, with reference to Paragraph 11(d)i and footnote 6 of the Framework, the application of Framework policies that protect areas of particular importance, namely National Parks in this case, provide a clear reason for refusing the development proposed. Consequently, Paragraph 11 of the Framework does not direct that permission should be granted.
33. Taking all of the above into account, in my judgement, the substantial weight given to the identified harm of the proposed development would not be outweighed by the moderate weight given to the identified benefits. Furthermore, there are no other material considerations which would provide an overriding reason to disregard the development plan.

Other Matters

34. I am aware of the support in favour of the proposal by Ravenstonedale Parish Council and a local resident. Whilst the proposal would provide accommodation for a local resident and could potentially improve the barn's appearance, the proposed conversion would be contrary to the ELP and its appearance could be enhanced by other means. Therefore, I can only give this matter limited weight.
35. I note that, subject to conditions, no concerns were raised in relation to highways, flood risk, services and utilities, ecology, the public right of way and minerals. I am also cognisant that the Council raised no issues with regard to

⁴ R v Rochdale Metropolitan borough Council (2001) 81 P&CR 27 at [44]-[50].

⁵ Paragraphs 38, 68 and 78 of the National Planning Policy Framework.

⁶ Yorkshire Dales National Park Authority – Media Release 5 November 2019.

⁷ Report on the Examination of the Eden Local Plan.

any impacts on the living conditions of neighbours. These are, however, matters of neutral consideration rather than ones which weigh in favour of the proposed development.

Conclusion

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

F Cullen

INSPECTOR