
Appeal Decision

Site visit made on 28 July 2020

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

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/C2708/W/20/3249639

Delph Barn, Netherghyll Lane, Cononley, Keighley BD20 8PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mrs Calida Crabtree against the decision of Craven District Council.
 - The application Ref 2019/20857/AGRRES, dated 12 August 2019, was refused by notice dated 4 October 2019.
 - The development proposed is described as 'change of use of an agricultural building to form 1no. dwelling house, existing barn to be fully retained'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Calida Crabtree against Craven District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to an application submitted pursuant to Class Q(a) and (b) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Class Q(a) permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. In addition, Class Q(b) permits building operations reasonably necessary to convert the building.
4. Paragraph Q.2(1) states that where development is proposed under Class Q(a) together with development under Class Q(b), as in this instance, development is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the authority will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination risks, (d) flooding risks, (e) location or siting, (f) the design and external appearance of the building, and (g) the provision of adequate natural light in all habitable rooms.
5. There is no dispute that the proposal meets the limitations and requirements set out in Class Q, paragraphs Q.1(a) to (m). However, the LPA refused the

application for prior approval on the basis that, in its view, the siting of the building is such that it is undesirable for the building to change use to a dwelling. In doing so, the LPA consider that the proposal does not comply with paragraph Q.2(1)(e). I have dealt with the appeal on that basis.

Main Issue

6. The main issue in this appeal is whether the location or siting of Delph Barn makes it undesirable for the building to change from agricultural use to a dwelling (Class Q.2(1)(e)), with regard to the effect of the proposal on the character and appearance of the surrounding rural landscape.

Reasons

7. The appeal building is a stone field barn, typical of the type of traditional stone barns found throughout this part of North Yorkshire. The building occupies an elevated position on a hillside set in open countryside to the west of the village of Cononley. Access is gained via an unsurfaced agricultural track that winds its way up the hillside from the road to the south.
8. The character of the surrounding area is undeniably rural, with the countryside surrounding the appeal site comprising a patchwork of agricultural fields enclosed by traditional stone walls and occasionally interrupted by single dwellings and farmsteads, mostly found within the valley bottoms. There is a dramatic and attractive rural character and appearance to the surrounding area, with the topography affording wide ranging views over this rolling upland landscape. As a traditional field barn, the building sits comfortably in this setting with its simple agricultural character making a positive contribution to the surrounding rural landscape.
9. The barn can be seen from several public vantage points, including nearby public rights of way to the west and south, across the valley, with its isolated location emphasising its visual prominence in the landscape. In addition, the site is also visible from the nearby churchyard on the edge of the village which affords clear views of its southern and eastern elevations along with the proposed area of curtilage.
10. I accept that just because the building is within a countryside setting it does not automatically follow that its conversion would be undesirable. Indeed, given the context of the permitted development right conferred by Class Q, it is to be expected that such buildings will be in a rural setting.
11. The Planning Practice Guidance (the PPG) is clear that a location where planning permission would not normally be granted for a new dwelling is not a sufficient reason for refusing prior approval. The examples in the PPG for what is meant by 'undesirable' do not include impact on the character and appearance of the surrounding landscape. But in my view, to satisfy the prior approval matter in Q.2(1)(e), a degree of planning judgement is necessary to assess whether the development would be in a location, or sited, so as to be undesirable for conversion to a dwelling. In this regard, my view is wholly consistent with the findings of the previous Inspector who dealt with an earlier appeal¹ on this site, in that, I do not consider the examples given in the PPG can be taken to mean that undesirability relates only to bad neighbouring uses nearby. Quite simply, it does not provide a closed or exhaustive list.

¹ Appeal Ref. APP/C2708/W/17/3180140

12. In this case, the proposal would introduce a residential use into a largely undeveloped and exposed landscape setting that would be entirely at odds with its isolated and intrinsic rural character. The proposal would likely result in an over proliferation of domestic features and paraphernalia associated with general residential occupation such as: parking; a formal garden; furniture; play equipment; garden structures; washing lines; etc. In practice and over time, this is likely to extend far wider than the small area shown as curtilage on the submitted plan.
13. As such, the proposal would stand out as a discordant and incongruous development that would harmfully interrupt the character and appearance of the surrounding rural landscape. In doing so, the siting of the proposed dwelling at this location would be harmful and therefore 'undesirable' in planning terms.
14. Furthermore, the track leading from the nearby public highway is largely unsurfaced and at best comprises intermittent patches of hardcore that stops short of the appeal building. The plans show this as being made up of quarry waste and it was apparent from my visit that, in its current state, it is difficult to traverse in a car. Should the appeal succeed, the track would be extended, and a parking area established. Over time it is likely that the track would require upgrading to a bound surface to improve access. Consequently, a significant length of hard surfaced track would have to be provided to facilitate the building's use as a dwelling. At such an exposed location, this would have an unacceptable urbanising effect on the rural character of the area that would be difficult to mitigate.
15. In reaching my view, I have had regard to the appellant's suggestion that a landscaping scheme could be provided, via condition, to screen the site. However, the limited introduction of trees or other vegetation into such an exposed upland landscape would itself appear incongruous at this location. I am also mindful that landscaping ought to be used to complement good design and not as a means to conceal otherwise inappropriate development.
16. I accept that the appeal site is not within a designated landscape such as a National Park or an Area of Outstanding Natural Beauty, but I do not agree with the appellant's view that the surrounding landscape is 'ordinary' or 'unremarkable'. Instead, I have had regard to the local landscape character and found that the proposal would be harmful.
17. For these reasons, I conclude that the harm to the to the character and appearance of the surrounding rural landscape, which would result from the proposal, makes the conversion to a dwelling undesirable. It would be contrary to the provisions of the National Planning Policy Framework (the Framework) which recognise the intrinsic character and beauty of the countryside. It follows, therefore, that the siting and location of Delph Barn makes it undesirable for the building to change from agricultural use to a dwelling.

Other Matters

18. The appellant cites the judgement in *East Hertfordshire v SSCLG* [2017] EWHC 465 (Admin). This case involved the refusal of a Class Q development on the basis that the respective LPA considered the site to be isolated from services and sustainable modes of transport. In refusing the application the LPA had applied the associated policies of the Framework in relation to access to

services and isolated homes in the countryside. The development was allowed on appeal with the Inspector referring to the fact that the PPG explicitly states that the permitted development right does not apply a test in relation to sustainability of location. The judgement confirmed the Inspector's approach was correct and reaffirmed the guidance set out in the PPG, namely that there is no specific requirement within the prior approval matters in relation to accessibility of location.

19. With regard to this appeal, on the evidence before me, it is clear that the LPA's concern was solely in relation to the proposal's impact on the character and appearance of the surrounding landscape. I therefore find the above judgement to be of little assistance to me in my determination of the appeal.
20. In support of the appeal, my attention has been drawn to a recent grant of planning permission² nearby for residential development. However, this appears to relate to an outline planning application for a new dwelling on a different site. It is therefore of little relevance to the current appeal which relates to a prior approval application for a barn conversion. In any case, I have considered the appeal on its own individual merits and drawn my own conclusions.
21. I acknowledge that the LPA found the proposal to be compliant with the other prior approval matters, Q.2(1)(a) to (d) and (f) to (g), and I see no reason to disagree with its assessment of these matters. However, this does not lead me away from my conclusion on the main issue.

Conclusion

22. For the reasons I have set out and having regard to all matters that have been raised, the appeal is dismissed.

Jeff Tweddle

INSPECTOR

² LPA Ref. 2020/21508/OUT