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## Appeal Decision

Site visit made on 14 September 2020

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 October 2020**

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**Appeal Ref: APP/C2741/W/20/3254619**

**Crescent Farm, Hodgson Lane, Upper Poppleton, York YO26 6PR**

- 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 Robert Whamond against the decision of City of York Council.
  - The application Ref 19/02288/FUL, dated 10 October 2019, was refused by notice dated 20 December 2019.
  - The development proposed is retrospective change of use from workshop to hairdressing salon (resubmission).
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of the development provided on the planning application form has been replaced by a more concise version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal.
3. I have taken the appellant's name and the site location from the planning application form and decision notice.

### Main Issue

4. The main issue is whether the proposal would be in a sustainable location having regard to local and national policies.

### Reasons

5. The appeal proposal is part of a group of buildings which, based on the evidence before me, includes holiday accommodation and workshops. The appeal proposal consists of a hairdressing salon in a building which was previously used as an agricultural workshop, although I saw that the development had commenced.
6. The appeal site is located some distance from the large village of Poppleton. Although the walking distance to the village is relatively short, it is via an unlit road with no demarcated footpath. The nature of this route is likely to deter pedestrians and cyclists, with the result that the majority of customers of the proposal would rely on the private car.

7. The National Planning Policy Framework (the Framework) requires opportunities to promote walking, cycling and public transport to be identified and pursued and that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The proposal would not do this.
8. On the other hand, the Framework acknowledges that in rural areas businesses may need to be located beyond existing settlements and in locations not well served by public transport. However, there is no evidence that this business needs to be in a rural area or that it cannot be sited in a more sustainable location.
9. Whilst paragraph 83(a) of the Framework encourages the expansion of all types of business in rural areas, I consider that this relates to existing businesses rather than encouraging the introduction of new businesses in unsustainable rural locations. As the appeal proposal is operating without the benefit of planning permission, it does not represent a lawful existing business and is therefore not supported by paragraph 83(a).
10. Paragraph 83(d) of the Framework refers to the development of accessible local services, but I consider that the proposal would not be accessible by sustainable modes of transport.
11. The proposal would also detract from the customer base for similar services in more sustainable locations. In that regard, I note that the appellant's business previously operated from a more sustainable city centre location. Due to the scale of the proposal the impact on businesses in sustainable locations would be very limited, but nevertheless this weighs against the appeal.
12. The appellant has provided a travel analysis based on the operation of the business which identifies a significant number of linked trips taken by customers. However, this identifies a variety of reasons for these trips, including travelling home and social visits. It has not been demonstrated that these linked trips arise due to the site being in a particularly sustainable location. I also note that a significant proportion of the trips were by car.
13. The appellant refers to the proximity of the site to the main traffic and commuting route of the A59 which may encourage linked trips. However, there is no substantive evidence that this is a significant factor in the linked trips identified by the appellant. The potential for such journeys would also exist in locations which offer a choice of sustainable transport modes. The proximity to the A59 and the resultant potential for linked trips therefore carries only limited weight in favour of the appeal proposal.
14. Reference has been made to the proximity of the site to bus services including a park and ride site as well as a train station. However, the route from these is unlit for much of its length and is relatively unwelcoming as it passes along a busy road. I consider that this would deter pedestrians and cyclists from using these facilities to access the appeal site in comparison to the relative convenience of using the car. This is reflected in the appellant's evidence which identifies a low number of recorded visits made using public transport.
15. The appellant refers to the provision of a mobile hairdressing service from the site. However, this could be undertaken from any location, including more remote sites as well as those in sustainable locations. This reflects the

personal circumstances of the appellant and does not outweigh the harm arising from the unsustainable location of the appeal proposal and the conflict with planning policy. The comments raised in support of the proposal, including those from the Parish Council, also do not lead me to a different conclusion in respect of the unsustainable location of the appeal site.

16. I conclude that the proposal would not provide sustainable choices of transport, with the result that customers would be reliant on the private car. Accordingly, the proposal would constitute unsustainable development in conflict with the Framework in respect of promoting sustainable transport and the development of accessible local services. The proposal would also be contrary to Policy DP3 of the City of York Publication Draft Local Plan 2018 with regards to promoting more sustainable forms of transport, although given the stage of preparation of that Plan I give this conflict only limited weight. Nevertheless, the Framework is an important material consideration and therefore carries significant weight. There are no material considerations of such weight which indicate that the proposal should be determined otherwise than in accordance with local and national policies when read as a whole.
17. For the reasons given above, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR