



Appeal Decision

Site visit made on 7 December 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/C2708/W/20/3253457

Agricultural building, Lane End Farm, Cam Lane, Thornton in Craven, Skipton BD23 3SX

- 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 & Mrs J Adamson against the decision of Craven District Council.
 - The application Ref 2020/21481/FUL, dated 2 March 2020, was refused by notice dated 28 May 2020.
 - The development proposed is demolition of agricultural building and replacement with 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal site is suitable for the development proposed, having regard to the growth strategy for the area, and whether the appeal proposal would provide biodiversity net gain.

Reasons

Suitability of the site

3. The appeal site, an agricultural building adjacent to a recently constructed dwelling, has an extant prior approval under Class Q for conversion to a dwellinghouse, and the appellant states there is a very real prospect of that conversion taking place. As such, I give the fallback position some weight in the determination of this appeal.
4. I have had regard to both the *Mansell v Tonbridge* case and the 2018 appeal decision quoted by the appellant. Class Q is intended to allow the conversion of existing agricultural buildings and does so largely irrespective of their location or the spatial strategy of the area in which they are located. However, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Policy SP4 of the Craven Local Plan 2012 to 2032, adopted November 2019 (the Local Plan) sets a spatial strategy for housing growth, which seeks to limit residential development in the countryside to a specific and limited number of criteria which the appeal proposal does not meet.

5. The proposal is therefore contrary to Policy SP4 of the Local Plan as well as the guidance in the National Planning Policy Framework (the Framework) on sustainable patterns and locations of growth.
6. I acknowledge that the extant Class Q prior approval could lead to the provision of a dwelling on this site, and the similarities with the appeal proposal in terms of scale and overall size. I also acknowledge that in this case, on this site, the implications of the permitted development regime and the development plan pull in different directions. However, I do not consider that extant prior approval, either alone, or in combination with the other evidence, is a material consideration of such weight to outweigh the spatial strategy expressed in Policy SP4 of the relatively recent Local Plan, and indicate that a decision be taken other than in accordance with the development plan. This is particularly important in light of the Framework imperative for the planning system to be genuinely plan-led.

Biodiversity

7. Policy ENV4 of the Local Plan seeks to ensure that development should deliver a net gain to biodiversity wherever possible. There are no details in the application itself as to how this might be achieved, but a landscaping condition as suggested by the appellant could meet this aim. I am satisfied that a condition to ensure this could meet the tests in the Framework and the Planning Practice Guidance (the PPG), and that it could therefore assist in delivering the biodiversity net gain which the development plan policy seeks. As a result, I consider that the proposal could provide a biodiversity net gain in accordance with Policy ENV4 of the Local Plan.

Conclusion

8. I have found that the extant Class Q prior approval is a material consideration of some weight. I have also found that the proposal could comply with the requirements of Policy ENV4. However, these do not outweigh the significant conflict I have found between the proposal and the spatial strategy of the plan set out in Policy SP4 of the Local Plan. Coupled with the aims of the Framework to deliver a genuinely plan-led system, I do not find that there are material considerations of such weight to indicate that a decision in this case be taken other than in accordance with the development plan.
9. The appeal is therefore dismissed.

S Dean

INSPECTOR