

Appeal Decision

Site visit made on 23 March 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/M0933/W/20/3264307

Helm Mount Farm, Barrows Green, Kendal LA8 0AA

- 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 Heginbotham against the decision of South Lakeland District Council.
 - The application Ref SL/2020/0627, dated 1 September 2020, was refused by notice dated 26 October 2020.
 - The development proposed is conversion of part of store building into a wheelchair accessible holiday let by variation of condition 3 attached to approval 2015/1054.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application description refers to the proposal in the context of a variation of condition 3 of an earlier planning permission¹ which itself related to an earlier permission². However, it is clear that the application was otherwise submitted as an application for full planning permission, and that the Council subsequently determined the application as such. I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the proposed conversion of the store building to a wheelchair accessible holiday let is justified having regard to the development plan and national planning policy.

Reasons

4. Barrows Green is described by the appellant as a loose-knit settlement, whilst the Council refer to it as a village in the officer report. There are no defined settlement boundaries to villages or hamlets set out in the South Lakeland Local Plan: Development Management Policies (DMP) and Barrows Green, such as it is, is little more than a small cluster of houses, a public house and agricultural buildings on the western side of the A65.
5. DMP policy DM16 sets out the Council's approach to the conversion of traditional buildings in rural areas and, specifically, the open countryside, cross-referencing DMP policy DM13 in relation to establishing open countryside

¹ LPA Ref No: [SL/]2015/1054

² LPA Ref No: [SL/]2013/0739

- locations. Proposals will be supported where a proposal can be demonstrated to meet the provisions of seven criteria.
6. The appellants draw on an extract from DMP policy DM13 to establish their contention that the appeal site lies within the settlement of Barrows Green, stating that the number of dwellings within Barrows Green meets the threshold set out by DMP policy DM13. However, the Council have cited a lengthier extract of DMP policy DM13 which goes on to note that those dwellings should be in 'contiguous clusters and without significant open areas between buildings' and that groups formed from the conversion of farms should be excluded.
 7. The appeal site lies a short distance up the narrow country lane that heads in a north-easterly direction from its crossroads junction with the A65 adjacent to the public house. A pleasingly open hillside on the southern side of this lane contrasts with the verdant hedgerow and mature trees on the north, the latter serving to physically and visually separate the appeal site from the cluster of buildings on the western side of the A65.
 8. Whilst the appeal building and the group that it lies within can be seen from other points along the A65, this does not, from my observations of the site from along the A65, render it part of Barrows Green. It may be that locals perceive there to be a wider Barrows Green 'community', particularly given the dispersed and sporadic distribution of houses within the surrounding countryside, but it seems to me that what amounts to Barrows Green for the purposes of DMP policy DM13 is comprised of the small group of houses, and cluster of agricultural buildings to the west of the A65, and the public house on the A65 crossroads junction.
 9. Thus, having taken into account the Council's more extensive recital of DMP policy DM13 in seeking to distinguish between settlements and open countryside, I am in no doubt that the appeal site lies within the open countryside for the purposes of applying DMP policy DM16.
 10. Neither DMP policy DM16 nor its supporting text define what is meant by 'traditional'. The Council allude to English Heritage guidance of what and how to consider a 'traditional' building, and the application of the intent behind DMP policy DM16. This, they state, is to support the bringing back into use of older buildings in an appropriate manner and to avoid the conversion of more recent buildings of 'traditional' design or appearance to other uses.
 11. The appeal building is not an old building; the planning history set out in the Council's officer report shows that it derives from a 2013 permission³ to replace an older agricultural building. It may be faced with stone under a slate roof, but it is a modern building of largely modern (blockwork inner skin) construction methods. It does not look out of place amongst the older buildings and the 'conversions' within which it lies, but it has a subtle, yet distinctly domestic, character and a crispness to its appearance which, despite its 'traditional' cues, underscores its modern, non-traditional, origins.
 12. Thus, for these reasons, I am not persuaded that the appeal building satisfies criterion 1 of DMP policy DM16 or that the proposal would amount to an 'appropriate change of use' as described by South Lakeland Core Strategy (CS) policy CS1.2. As proposals will only be supported by DMP policy DM16 where

³ LPA Ref No: [SL/]2013/0739

all criterion are satisfied, the proposal is contrary to DMP policy DM16 and CS policy CS1.2.

13. The Council also advance a case that the proposed conversion of the storage element of the building would fail to accord with criterion 3 and 6 of DMP policy DM16. Divided by internal sub-division, half of the building is in use (or was, prior to COVID-restrictions) as a games room associated with the adjacent conversions. However, the parties disagree as to the use, or otherwise, of the half of the building subject to this appeal, relying on conflicting evidence regarding the current use of the building.
14. Despite the Council's photographic evidence during the course of their visit to the site, I have no reason to doubt the appellants' statement and photographic evidence that supports the notion that as the adjacent holiday let accommodation has evolved, so the storage requirements originally envisaged to be provided by the appeal building have fallen away. The building is adjacent to other dwellings and is a coherent, proportionate and appropriately scaled part of a distinct cluster of buildings appropriate to the setting, character and appearance of the surrounding open countryside. There is, I conclude, no conflict with criterion 3 of DMP policy DM16.
15. With regard criterion 6, the appellants have stated that a larger replacement septic tank would provide sufficient capacity to accommodate the additional number of guests within the complex should the appeal succeed and the development proceed, notwithstanding estimated 60% occupancy levels over the last three years. No evidence has been submitted to either support or challenge these figures, but I accept that there would inevitably be periods where the complex would operate to full occupancy even if, over a longer period, that figure drops closer to the claimed occupancy figures. In such circumstances I can accept that the smaller tank may struggle to cope with the additional demands.
16. An image of a larger tank, capable of providing the capacity set out in the Council's officer report has been provided with the appeal, the appellants suggesting that its installation could be secured by way of condition. It is not clear whether the tank shown in the submitted image would be of an appropriate specification, but I concur with the appellants that such matters could be dealt with by way of an appropriately worded planning condition in the event that the appeal should succeed.
17. The Council have confirmed that the proposal would not be contrary to the provisions of criterion 2, 4, 5 and 7 of DMP policy DM16 and I am satisfied that the provisions of criterion 3 and 6 have, or could be, satisfied. Nonetheless, the appeal building fails to satisfy the provisions of DMP policy DM16, particularly criterion 1 and it does not as a consequence therefore, provide an appropriate basis for conversion to provide residential accommodation in the form of a wheelchair accessible holiday let.

Other Matters

18. The proposed holiday let accommodation has been designed to provide accessible facilities and, despite the Council's other misgivings, there is no suggestion that its facilities would not be appropriate in accessibility terms. To this end, a dedicated parking space, ramped access to the appeal building and accessible ground floor bedrooms and shower / toilet facilities are incorporated

into the design and layout of the proposed holiday let. The appellants have also supplied correspondence demonstrating demand for, and a shortage of, wheelchair accessible holiday accommodation.

19. Whilst these are factors that weigh in support of the proposal, the weight that I can give them, on the basis of the submitted evidence, is limited. A small number of e-mails showing turned away requests for accessible bookings at Helm Mount Farm, and a single acknowledgement of a shortage of such properties, is not sufficient, or sufficiently robust, justification to persuade me to conclude otherwise than in accordance with the development plan in this respect.

Planning Balance and Conclusion

20. The proposal was not refused on grounds relating to the living conditions of occupiers of existing adjacent buildings or future occupants of the appeal building, nor on landscape and visual amenity or character and appearance grounds. Access to the site would be unchanged from the existing arrangements and, subject to appropriate planning conditions, parking provision and biodiversity measures could be adequately and appropriately incorporated into the scheme's design. The absence of harm in these respects are neutral factors which neither weigh in support of, nor against, the proposal.
21. The proposal would also provide an accessible holiday let in a pleasant open countryside location which would, in principle at least, garner support from DMP policy DM16. However, the limited and anecdotal evidence of the demand for such accommodation is not sufficiently robust to justify anything more than limited weight being given to these positive factors. Thus, whilst positive, they are not sufficient to persuade me to reach a decision not in accordance with the provisions of the development plan. Whilst DMP policy DM16 is supportive of the conversion of buildings in rural and open countryside areas, such proposals will only be supported where they satisfy the provisions of seven criterion. The appeal building is not a traditional building and so the proposal would not amount to an appropriate change of use in an open countryside location.
22. For these reasons, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR