



Appeal Decision

Site Visit made on 13 April 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2021

Appeal Ref: APP/G2713/W/20/3264219

Mossa Grange, Little Langton, Northallerton, North Yorkshire DL7 0TL

- 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 David Bellerby against the decision of Hambleton District Council.
 - The application Ref 20/00795/FUL, dated 20 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is conversion of ancillary domestic workshop and associated external space to a dwelling with garden and parking.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of ancillary domestic workshop and associated external space to a dwelling with garden and parking at Mossa Grange, Little Langton, Northallerton, North Yorkshire DL7 0TL, in accordance with the terms of the application Ref 20/00795/FUL, dated 20 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Ground Floor Plan – A3/07; Proposed First Floor Plan – A3/08; Proposed East Elevation – A3/09; Proposed West Elevation – A3/10; Proposed South Elevation – A3/11; Proposed North Elevation – A3/012; Proposed Site Plan – A3/13; Proposed Section – A3/14.

Procedural Matters

2. The appellant requested the appeal be dealt with as a hearing, but having considered the available evidence and applied the criteria in Annexe K of the Procedural Guide to Planning Appeals, I deemed the written representations procedure to be appropriate for this case, and have dealt with the appeal on that basis.
3. The site address differs across the various application and appeal documents so I have opted for that given on the appeal form.
4. I am advised that since the submission of the appeal, the examination of the Hambleton Local Plan (HLP) has been completed. However, the Inspector's report has not yet been issued and I have insufficient information on the likelihood of relevant policies being adopted in their present form. Nor have I been provided with full copies of any policies. Therefore, whilst noting the advanced stage of the HLP, its policies carry limited weight in this appeal.

Main Issue

5. The main issue is whether the appeal site would be an appropriate location for new housing, having particular regard to local and national planning policies relating to re-use of buildings in the countryside, taking account of any material considerations.

Reasons

6. The appeal site comprises a brick-built workshop, which the proposal seeks to convert to a dwelling. The building is currently used for the repair and servicing of the appellant's motor sport vehicles.
7. Although the building lies within the grounds of Mossa Grange and next to other dwellings, it is in the countryside and is physically remote from any settlement, such that it should properly be considered as isolated in the terms of paragraph 79 of the National Planning Policy Framework (the Framework)¹. In such circumstances, local and national planning policies seek to avoid new isolated homes in the countryside unless certain exceptions are met. Both include situations where existing buildings would be re-used.
8. The development would re-use an existing building of permanent construction and without any substantial alteration or reconstruction. In addition, the building already sits among existing dwellings and has an established curtilage and hardstanding parking area, such that there would be no intrusion of development into the surrounding countryside.
9. The building has a functional rather than traditional appearance. This is particularly the case with the industrial style roller shutter door which dominates the north elevation. The roller shutter door would be replaced by a large 4-pane vertical glazed window. On the south elevation a modern window would be replaced with glazed doors, and a smaller flue would be installed in the roof. Other elements of glazing would in the main utilise the existing openings with the addition of unobtrusive conservation rooflights to serve the new first floor accommodation. The overall result would be a marked improvement to the appearance of the building.
10. Additionally, there would be improvements to the boundary treatment, including new hedge planting, which in turn would provide some screening of the parking area. The removal of the external clutter of tyres and car parts associated with the appellant's use of the building would also be beneficial in visual terms.
11. I am not aware of any planning history that has established a commercial use at the site. Nevertheless, there is evidence that use of the building has been problematic for neighbouring occupiers, with particular regard to noise. The Environmental Health Officer (EHO) correspondence accompanying the Council's appeal statement refers to noise complaints of banging, revving of engines and use of mechanical equipment. It also indicates that advice has been given to the appellant in order to reduce an identified regular noise impact, as well as a need for further investigations to be carried out. In other correspondence before me there is an indication that the EHO was supportive of the proposal on the grounds that it would lead to an improved noise

¹ Having regard to City & Country Bramshill Limited v SSHCLG and others [2021] EWCA Civ 320

environment for local residents by removing the opportunity for noisy activities within the building.

12. During my site visit I was able to observe the close relationship of the appeal building to the neighbouring properties. It is significant that the roller shutter door faces towards the neighbouring properties and lies directly opposite the garden of the nearest neighbour. It is not for me to determine if there is a Statutory Nuisance under the Environmental Protection Act 1990, but on the evidence before me and my own observations, I am satisfied that the concerns expressed in relation to noise are not entirely without foundation. Furthermore, the size of the building makes it conducive to workshop-type activities, such that there is a reasonable likelihood that noisy activities may be repeated by a future occupier. It should not be presumed that other legislation will provide for noise management in all instances. Therefore, it is my judgement that the proposal would lead to a significant environmental improvement for neighbouring occupiers.
13. I note the Council's concern that another workshop building could be constructed using permitted development rights, but given the height required to accommodate a vehicle lift this seems unlikely. Other buildings available to the appellant do not appear to be within the curtilage of the property.
14. Consequently, even though the building is not redundant or disused, the proposal would have an overall positive effect on the character and appearance of the building, the setting, and on the local environment with particular regard to noise. These are benefits which weigh significantly in favour of the proposal. In addition, a new dwelling would add to housing supply and would support the rural economy by helping to sustain local services and through additional spending in the local economy, albeit this contribution would be very modest and therefore attracts limited weight.
15. I am informed that there is a "hail and ride" bus service along the B6271, but no details are provided. In any event, due to the isolated location of the site, it is likely that the occupiers of the proposed new dwelling would be largely dependent on private vehicles for their day to day travel requirements, contrary to Policy CP2 of Hambleton's Core Strategy 2007 (CS). However, this policy is not wholly consistent with the Framework, which recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This renders Policy CP2 out of date. I therefore attach only moderate weight to this conflict.
16. For the reasons set out above, the proposal would comply with Policy CP4 of the CS, Policy DP9 of Hambleton's Local Development Framework Development Policies 2008 (HDP) and the Framework in relation to development in the countryside. It would also comply with CS Policies CP1, CP16 and CP17, Policies DP30 and DP32 of the HDP and the Framework, which seek to protect health and well-being, conserve and enhance the natural and built environment, and achieve high quality design. Whilst the proposal would conflict with the sustainable transport objectives of Policy CP2 of the CS, the adverse impacts arising would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the proposal should be considered sustainable development. This is a material consideration of very significant weight.

Other Matters

17. I have noted the other matters raised by the appellant which have not been encapsulated above, but given my findings, it is not necessary to explore those matters any further in this Decision. Additionally, it is not for me to comment on the Council's handling of the noise complaints made to it.

Conditions

18. The only conditions suggested by the Council are the standard time limit and specification of the approved plans, which I have imposed in the interests of certainty.

Conclusion

19. Although the proposal conflicts with the sustainable transport objectives of the development plan, I find that the support from the Framework and the benefits identified above would outweigh the conflict with the development plan, such that the appeal site should be considered an appropriate location for the new housing proposed. Therefore, for the reasons given, I conclude that the appeal should be allowed.

A Caines

INSPECTOR