



Appeal Decision

Site visit made on 7 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/E2001/W/21/3269286

Outbuilding at Land East of Cliff Farm, Cliff Road, Atwick, East Yorkshire YO25 8DF

- 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 Simon Goodwin of MB Goodwin (Skipsea) Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/01931/PLF, dated 23 June 2020, was refused by notice dated 4 November 2020.
 - The development proposed is alterations and conversion of existing outbuilding to form a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the heading above, the description and location of the development have been taken from the Planning Appeal Form as these accurately represent the proposal.

Main Issues

3. The main issues are:
 - Whether the proposed dwelling would be in a suitable location with regards to planning policy;
 - The effect on the housing mix of the area; and
 - The effect on the character and appearance of the area.

Reasons

Whether Suitable Location

4. The appeal site consists of an existing outbuilding within the garden of a detached dwelling. Based on the evidence before me, permission for an outbuilding described as a garage, stable and wood store was originally granted in 2008 and development commenced in 2010/11. However, the outbuilding was not erected in accordance with the approved plans, and it was not until May 2020 that planning permission was granted to regularise the development.

5. The site is adjacent to the village of Atwick, although it is located outside of the designated development limit and is regarded as being within the countryside in respect of planning policy. Policy S4 of the East Riding Local Plan 2016 (the Local Plan) sets out the forms of development which are supported in the countryside. This includes conversions for new housing which would re-use a redundant or disused building.
6. The Council considers that the outbuilding is not complete and its lawful use has not commenced, and would therefore represent a new dwelling in the countryside rather than a conversion.
7. At the time of my visit, the walls, roof and rainwater goods were in place. However, the building was missing windows and doors and was not finished internally. The appellants refer to the *Sage*¹ judgment and contend that if the building can be used for its intended or permitted use then it should be considered complete. In respect of the original description of the proposed outbuilding, it may be possible to use the building as a wood store. However, I am not persuaded that in its present state it would be functional as a stable or a garage due to the open apertures and lack of internal finish. Having regard to *Sage*, I consider that the outbuilding is not substantially complete.
8. There is no definition of redundant or disused in the Local Plan or the National Planning Policy Framework (the Framework). However, I consider that it is appropriate to consider whether a development is substantially complete and has been brought into use as part of the assessment as to whether it has become redundant. Moreover, the appellant has provided no substantive evidence as to why the building is no longer required, other than it has lain in its present state for a significant period of time. When planning permission was granted, and at the commencement of development, it is reasonable to assume that the outbuilding was required for a purpose incidental to the host dwelling. To my mind, there should be a substantive reason as to why this is no longer the case, other than at the whim of the appellant.
9. If I was to accept the appellant's argument in respect of disuse or redundancy, applied consistently, this would represent a perverse incentive for rural property owners to develop new outbuildings with no prospect of completion or lawful use. The potential for subsequent conversion of such outbuildings to dwellings would be contrary to the aims of the development plan and the Framework with regards to the sustainable development of housing in rural areas.
10. As a matter of fact and degree, I conclude that the proposal would not represent the conversion of a redundant or disused building. In effect, the proposal would lead to the creation of a new dwellinghouse in the countryside, contrary to policy S4 of the Local Plan.

Housing Mix

11. The submitted plans specify that the proposal would provide 3 bedrooms on the first floor, with a room on the ground floor annotated as "Study/Bed 4". Although the planning application form states that the proposal is for a 3-bedroom market dwelling, the submitted plans indicate that the proposal is in effect for a 4-bedroom dwelling.

¹ *Sage vs Secretary of State for the Environment, Transport and the Regions & Maidstone BC* [2003] UKHL 22

12. Policy H1 of the Local Plan requires that new residential development should contribute to the overall housing mix in the locality, taking into account matters including current need and the existing housing stock. The Council's Planning Guidance Note on Housing Mix 2017 identifies an over-supply of 4-bedroom dwellings in the area, and an under-supply of 2 and 3-bedroom dwellings. On that basis, the proposal would not make a positive contribution to the identified under-supply, and would therefore conflict with policy H1 in respect of housing mix.
13. I have considered if it would be appropriate to impose a planning condition specifying the number of bedrooms provided within the dwelling. However, given that this issue relates to an internal room arrangement which has the potential to change easily without detection, the imposition of a planning condition to control this matter would be unenforceable. A condition would therefore not meet one of the tests as outlined in paragraph 55 of the Framework.
14. I acknowledge that working from home is increasingly common, and that the fourth bedroom may therefore be used as a study as indicated on the proposed plans. However, there is no certainty that this would be the case. The rearrangement of the internal layout of dwellings may not require planning permission, but this does not justify granting permission for a scheme where the submitted plans specify a number of bedrooms which is contrary to planning policy.
15. I conclude that the proposal would not make a positive contribution to the overall housing mix in the locality, and would therefore conflict with policy H1 of the Local Plan with regards to providing a mix of housing and meeting housing need.

Character and Appearance

16. The proposal would lead to an intensification of residential use at the appeal site and the host dwelling. However, the appeal site is within an existing domestic curtilage and is visually associated with the built extent of the village rather than the surrounding countryside. The intensification would be limited and would not be unduly out of character compared to the extant situation, even allowing for an increase in domestic paraphernalia.
17. Alterations to the outbuilding would also change its appearance to that of a detached dwelling. However, although the site is outside the designated development limit and has a relatively elevated position within the streetscape, it is visually well-related to the built extent of the village and the change in appearance would not be out of context.
18. I conclude that the proposal would not harm the character and appearance of the area. The proposal would therefore not conflict with the design requirements of policies S4 and ENV1. The proposal would also not conflict with the Framework with regards to achieving well-designed places.

Other Matters

19. The Council's housing land supply position has changed over the course of the appeal, including in respect of appeal decisions in March 2021 which concluded that the Council did not have a deliverable 5 year supply. However, the Council has confirmed that it can demonstrate a 5 year housing land supply since April

2021. The evidence suggests that this is due to a change in the method for calculating housing need. The appellant has not demonstrated that the Council's housing land supply position is anything other than robust, and as such the policies of the development plan can be given full weight in my consideration of this appeal.
20. The proposal would be likely to lead to the completion of a building which otherwise may become increasingly unsightly. However, no substantive reason has been provided as to why the development cannot be completed in accordance with the existing permission. In any event, there are other controls available to the Council to address these issues. This does not therefore weigh in favour of the appeal.
21. The appellant submits that the appeal site represents previously developed land. Whilst that may be so, it has not been demonstrated that the outbuilding cannot be brought forward in accordance with the original planning permission. The reuse of previously developed land therefore carries limited weight in favour of the proposal.
22. The site is not isolated with regards to paragraph 79 of the Framework. However, services in the village are limited, and residents of the proposal are likely to rely on the private vehicle for many of their everyday needs. Reference has been made to a bus service which passes near the site, although I have not been provided with the frequency of this service. It has therefore not been demonstrated that the location of the appeal proposal is as sustainable as contended by the appellants.
23. The proposal would add to the supply of housing in an area where windfall sites make a significant contribution to housing land supply. However, the contribution from a single dwelling would be very limited, and given the Council's healthy housing land supply and concerns over the mix of housing in the locality, this matter carries only limited weight in favour of the proposal.

Conclusion

24. Notwithstanding my conclusion in respect of character and appearance, the proposal would not be in a suitable location in respect of planning policy and would not contribute to the housing mix of the area. The proposal would therefore conflict with the development plan and the Framework when read as a whole in respect of the sustainable development of housing in rural areas.
25. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR