



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: 20 July 2021

Appeal Ref: APP/E2001/W/21/3270645

Agricultural Building, Drewton Lane, South Cave, Hull HU15 2AG

- 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 Chris Taylor of Drewton Estates against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/01350/PLF, dated 28 April 2020, was refused by notice dated 20 November 2020.
 - The development proposed is conversion of former agricultural building, alterations and associated infrastructure to provide 8 live/work dwellings.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Chris Taylor of Drewton Estates against East Riding of Yorkshire Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be in an appropriate location with regards to local and national planning policy; and
 - The living conditions of future residents with regards to external amenity areas and privacy.

Reasons

Location

4. The appeal site is located outside of defined development limits, and is therefore considered to be within the countryside for the purposes of the development plan. Policy S4 of the East Riding Local Plan Strategy Document 2016 (the Local Plan) sets out the forms of development which will be supported in the countryside. This includes the conversion of buildings for live-work units.
5. In respect of whether the proposal would represent a conversion, the scheme would retain elements of the existing building including the structural frame,

wall and roof cladding, and blockwork walls. However, even on that basis the proposal would involve the introduction of extensive areas of new cladding to cover open extents of the existing building. Two extensions would also be constructed to complete the rectilinear form of the building. Viewed objectively and in context, I consider that the proposed external works would be significant and extensive.

6. The proposal would also involve significant alterations within the building to enable its subdivision into 8 dwellings with an open walkway. The appellant submits that the internal works could be undertaken without planning permission. However, to my mind the extent of internal alterations are integral to the appeal proposal and therefore add to my assessment of the scale of works proposed.
7. As a matter of fact and degree, due to the scale and nature of the works, I conclude that the proposed development would go beyond what could be reasonably considered to be a conversion of the building.
8. With regards to the live-work element of the proposal, the supporting text for policy S4 states that this should constitute a high proportion of workspace i.e. more than half of the overall floorspace. I consider that this is an appropriate rule of thumb to prevent live-work proposals coming forward with only a token element of workspace provision. Whilst there may be some flexibility in this assessment, the proposed workspaces would be significantly lower than the proportion referred to in the Local Plan. The appellant contends that this is a pragmatic approach to balancing the space required for work and living accommodation. However, they have provided no substantive evidence in respect of a lack of demand for larger areas of workspace, or that there is demand for the workspace as proposed beyond simply providing a home-office. On the basis of the evidence before me, I consider that the proposal would not provide live-work units in compliance with the reasonable expectations of the Local Plan.
9. On the basis that the proposal does not represent live-work accommodation, it falls to be assessed as general housing. However, policy S4 refers to new housing provided by the conversion of redundant or disused buildings without significant alteration. I have concluded that the proposal would involve significant alterations and would not consist of a conversion. The proposal would therefore conflict with policy S4 in respect of the provision of new general housing.
10. The Council also considers that the building is not redundant or disused. I saw that the building is in an acceptable condition and the appellant's evidence indicates that the building is in a reasonable state of structural repair. On the basis of what I have seen and read, the building could continue to be used for agricultural purposes. Whilst the building may be remote from the farming operation, it has not been demonstrated that it is of no use for agricultural purposes. There is therefore no certainty the building will not be maintained or will deteriorate if the proposal does not proceed. Previous applications to convert the building do not demonstrate that it is redundant. However, even if I were to conclude that the building is redundant or disused, this would not lead me to a different conclusion in respect of the extent of alterations, the issue of conversion or the provision of live-work units.

11. Reference is made to paragraph 79 of the Framework. The appeal site is adjacent to a cluster of buildings which includes a number of dwellings and offices. There are also a number of dwellings a short distance from the site around Drewton Manor. I do not consider that this collection of buildings is of a scale and nature to represent a village. However, on the basis of the number of properties, the mixture of uses and the arrangement of the buildings, it is reasonable to assess this location as representing a settlement such as a hamlet. As the proposal is not remote from a settlement, it would not represent the development of isolated homes in the countryside under paragraph 79 of the Framework.
12. However, paragraph 79 does not imply that a dwelling has to be isolated in order for restrictive policies to apply, and there may be other circumstances when development in the countryside should be avoided. Therefore, whilst a proposed development may not be 'isolated' within the context of paragraph 79, this does not mean that it will accord with planning policies that seek to control the location of new housing.
13. The proposal would be remote from many of the services which would meet the day to day needs of residents. There is a cluster of buildings to the north west of the appeal site which includes commercial buildings such as a farm shop. Whilst the farm shop would meet some of the needs of residents, the nature of the footpath leading to it is not conducive to accessing the shop on foot, including the length of the route and the topography of the area. Residents of the proposal are therefore likely to be reliant on the private car to access many of the services and facilities to meet their everyday needs. Although live-work units are likely to reduce the need to travel to work, not all residents may work on the site and in any event residents of this form of accommodation will still require sustainable access to a range of services.
14. The appellant also refers to paragraph 84 of the Framework, which sets out that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements or in locations not well served by public transport. However, whilst there may be a wider demand for live-work accommodation, it has not been demonstrated that there is a need for the type of accommodation proposed in this locality. The provisions of paragraph 84 therefore do not weigh in favour of the proposal.
15. Furthermore, in respect of need, there is also evidence that existing offices within the estate are empty or have been converted to residential use, which calls into question the contribution that the proposal would make towards business accommodation in the longer term.
16. Reference has been made to previous refusals under Class Q of the General Permitted Development Order. The appellant contends that the limitations of Class Q do not reflect the circumstances of the appeal proposal, and particularly that this appeal relates to a building which is structurally sound. However, the elements of policy S4 which are relevant to this appeal refer to the principle of a conversion, and I have concluded that the proposal would not represent a conversion taken on its own merits. Consideration of the provisions of Class Q do not lead me to a different conclusion on this matter.
17. The re-use of an existing building may have sustainability benefits in that it would take advantage of embodied energy. However, the scale of those benefits will depend on the extent of works required to adapt the building. On

the basis that the proposal would involve significant works compared to the extant building, this carries little weight in favour of the proposal.

18. I conclude that the proposal would not represent the conversion of a building, and would not provide live-work accommodation in accordance with the development plan. The provision of general housing would also not be provided by the conversion of a building which is redundant or disused and without significant alteration. The proposal would therefore be contrary to policy S4 of the Local Plan in respect of development in the countryside and would not represent an appropriate location for the form of development proposed. The proposal would also be contrary to policies S1 and S2 of the Local Plan in respect of the sustainable location of development. Whilst I have concluded that the proposal would not be isolated in respect of paragraph 79 of the Framework, it would conflict with the Framework as a whole in respect of the sustainable development of housing in rural areas.

Living Conditions

19. The gardens for the units to the south of the site are part of an area which includes a raised embankment. Due to the arrangement of the site, the garden lengths for plots 3 and 4 would be very limited, and would be further compromised by the topography of the land which is likely to result in either a garden with a significant slope or a terrace. Mindful that the proposed accommodation is likely to be suitable for families, the limited scale and awkward layout of the gardens at plots 3 and 4 would not provide a suitable external amenity area for family use, with significant harm to the living conditions of residents of those plots.
20. The gardens of proposed units to the north of the site would project towards the side and rear elevations of two-storey dwellings. However, the separation distances from the majority of windows in the existing properties are such that they would not provide an intrusive degree of overlooking of the gardens of the appeal proposal. There is an upper window in a gable wall of one of the extant dwellings which would provide a closer elevated view of the proposed gardens. However, even then a degree of separation would be retained from the gardens, and this arrangement of windows is not unusual in residential development. I conclude that the level of privacy provided by the appeal proposal would not be harmful to the living conditions of future residents.
21. Notwithstanding my conclusion in respect of privacy, the proposal would not provide suitable external amenity areas for future residents of units 3 and 4 of the development, with significant harm to their living conditions. The proposal would therefore be contrary to the amenity requirements of policy ENV1 of the Local Plan and paragraph 127 of the Framework.

Other Matters

22. The Council's decision refers to the site as being previously developed land. However, the description of development refers to the conversion of a former agricultural building and the planning application form states that the last use of the site was agricultural. On that basis, the appeal site would not fall within the definition of previously developed land set out in Annex 2 of the Framework.

23. Although the extant building is of a utilitarian appearance and a significant size, the Council accepts that the proposal would not cause additional harm in respect of character and appearance. The Council's decision refers to the original building not being legible following the development, although given the relatively unattractive appearance of the building this should not count against the proposal with regards to character and appearance. However, a lack of harm on these matters is not a benefit, and this is a neutral factor in my assessment of the proposal.
24. The issue of a developer's contribution towards open space has been raised. However, as I have dismissed the appeal I do not need to consider this matter further.
25. The proposal would contribute to the supply and mix of housing in this area. However, there is no substantive evidence of a need for this form of housing in this countryside location, and mindful of the modest number of dwellings proposed, the contribution to housing supply carries no more than limited weight as a benefit.

Conclusion

26. The proposal would not be appropriately located with regards to local and national planning policy, and would harm the living conditions of future residents in respect of amenity areas. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR