



Appeal Decision

Site Visit made on 14 September 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6th October 2021

Appeal Ref: APP/C9499/W/21/3273038

Lower Barn, Combe House, Gawthrop, Sedbergh LA10 5QQ

- 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 and Mrs John Airey against the decision of Yorkshire Dales National Park Authority.
 - The application Ref S/01/150E, dated 13 July 2020, was refused by notice dated 18 January 2021.
 - The development proposed is conversion of the Lower Barn to form a new dwelling for holiday cottage subject to section 106 restriction.
-

Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Planning permission (ref S/01/149) was granted in 2005 for the restoration and re-use of Combe House as a single dwellinghouse and the restoration of Lower Barn for ancillary domestic storage. The permission has been implemented. Lower Barn has been rebuilt and it is in low intensity domestic storage use.
3. Planning permission and listed building consent (respectively refs S/01/150C and S/01/150D/LBC) was granted in January 2021 for the conversion of the nearby Upper Barn to a single local occupancy dwelling or holiday let subject to conditions and a S106 agreement to restrict occupancy. The planning application originally proposed the conversion of Lower Barn to a dwelling, but it was removed from the scheme during the processing of the application.
4. The appellant has requested that the appeal be determined on the basis of amended plans. The vehicular access and parking provision would be altered. There would be further changes, including that the steel and timber bridge link to the building would be replaced by stone steps with a metal balustrade and handrail. This is not the scheme that was considered by the Council or upon which interested people's views were sought.
5. Where amendments are proposed during the appeal process, a judgement must be made as to whether or not the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. The Council has been provided with the opportunity to comment on the amended plans through the appeal process. Irrespective, taking into account the site sensitivities and the objectors to the proposal, I cannot be certain that if I accepted the amended scheme, interested parties would not be prejudiced by my so doing. Therefore,

I have determined the appeal on the basis of the plans that were considered by the Council.

Main Issues

6. The main issues are:

- i) Whether the proposal would be in accordance with local and national planning policy for new rural residential development;
- ii) The effects of the proposal on the character and appearance of the barn and the area; and
- iii) Whether or not a safe and suitable access could be provided.

Reasons

New residential development

- 7. Lower Barn is a detached 2 storey former field barn. It originated in the 17th century but it was substantially rebuilt in the early 21st century. It is roughly 70m from Combe House and slightly further from Upper Barn, the 3 buildings together comprising a former farmstead in an isolated and elevated position on a hillside below Combe Scar overlooking Dentdale. As its name indicates, Lower Barn is further down the hillside than Upper Barn and Combe House. There is no formal vehicular access to Lower Barn which is surrounded by undeveloped grazing land.
- 8. Combe House and Upper Barn are Grade II listed buildings that form a group with one another. Upper Barn, previously referred to as Combe Barn, appears to comprise the remains of a longhouse which preceded the dwelling at Combe House. Lower Barn is in the setting, and it is seen in the context, of the listed buildings, but it is physically and visually separated from them. Moreover, as an agricultural field barn, it would have been functionally separate from the more residential use of the listed building group. Lower Barn is part of the dispersed farmstead, and it is a significant structure in its own right, but it does not form part of the recognised group formed by the listed buildings.
- 9. A Heritage Impact Assessment (MACCS, March 2020) has been submitted with the appeal. It is intended to be read in conjunction with an earlier report¹ that sets out the historical context of the buildings, but the earlier report has not been provided. However, it describes the former farmstead buildings. Lower Barn was noted to be in an extremely ruinous state by 2005, but there was evidence of its 2 stage construction comprising an early combination barn with a 19th century single bay extension on its southern end. There was also internal historic evidence of its agricultural origins and use.
- 10. By virtue of its substantial decay and dereliction, and the extent of repairs and rebuilding, much of the original fabric has been lost including historic features and details that existed as recently as 2005. This is evidenced by the plans, reports and photographs. While some historic openings have been rebuilt and reinstated, other openings appear to be new. Parts of the walls and the lower quoin stones appear original, but much of the stonework is recent. In this regard, the southern elevation appears to be new from around the lower part of the doorway. Similarly, the pattern of stonework, the new openings at ground

¹ Combe House: Statement of Heritage Significance (MACCS, October 2018)

and first floor level and the loss of quoin stones that evidenced the 2 stage construction indicate that the side elevations are predominantly recent.

11. Traditional buildings were constructed prior to the early to mid 20th century. In this case, irrespective of the proportion of the original walls that existed in its previously ruinous state, the evidence before me indicates that the walls of Lower Barn were further demolished before it was rebuilt and it has a new roof. No evidence to the contrary, such as an earlier structural survey or details of its rebuilding, have been provided. Lower Barn was rebuilt with the appearance of a traditional barn, using traditional local stone and building techniques and it incorporates part of the original barn. Nevertheless, it was substantially built in the 21st century and it is not a traditional building.
12. Lower Barn was a non-designated heritage asset prior to its rebuilding. It occupies the same footprint and it is the same size as the original barn and parts of the old walls have been incorporated. However, its rebuilding removed much of the evidence of its agricultural origins and its evolution. Little of the original historic fabric remains. Irrespective that Low Barn forms part of the historic farmstead, its significance as a heritage asset has been diminished to the point where the building is of low value. Moreover, taking into account its good structural condition and its use, the proposal is not necessary for the conservation of the building.
13. The Council's strategic locational strategy directs development towards settlements and more sustainable locations. This is consistent with the National Planning Policy Framework (the Framework July 2021), in terms of rural housing development that reflects local needs, located where it will enhance or maintain the vitality of rural communities, and that avoids the creation of isolated homes in the countryside with limited exceptions. The proposal would not be the optimal use of a heritage asset nor the re-use of redundant or disused buildings that would enhance its immediate setting.
14. The location is remote from the closest rural settlement of Gawthrop, which is in any case not well served by services and facilities. Future occupiers would need to drive considerable distances to meet their reasonable daily needs. The Yorkshire Dales does offer opportunities to explore the landscape on foot via Public Rights of Way (the FPs), but neither the steep and long access road nor the FPs are conducive to walking or cycling to access shops and services. Future occupiers would be heavily dependent on private car journeys. They would make a negligible contribution to the local economy and community.
15. Therefore, the proposed new dwelling in the countryside would not meet the exceptions for rural housing development. It would not be the re-use of a traditional building in a suitable location. It would not be the conservation of a heritage asset. It would conflict with the strategic locational development and built heritage aims of the Yorkshire Dales National Park Local Plan 2015-2030 Adopted December 2016 (the LP) including policies L1, L2, L3 and SP2. It would conflict with the aims of the Framework in relation to rural housing, National Parks and climate change adaptation.

Character and appearance

16. While Lower Barn is on balance a new building, it has the appearance of a traditional agricultural field bank barn surrounded by undeveloped grazing land.

As such, it is in keeping with, and it makes a positive contribution to, the traditional rural character and appearance of the area.

17. While few additional openings would be necessary to facilitate the residential use, there would be other unsympathetic and visually obtrusive alterations to the building and its setting. These include the rooflights, the extensively glazed aluminium-framed openings including the large cart door with sliding doors, the timber and metal bridge, the excavated banks, the new vehicular access, parking and turning areas and the associated parking of domestic vehicles, the large garden and flagged areas for sitting out and associated domestic paraphernalia. The light spill from the building, including rooflights and large feature window, would be conspicuous during low light and hours of darkness.
18. The cumulative effect of the proposal would be the erosion and diminution of the historic agricultural character and appearance of the building and the surrounding landscape. The expansion and encroachment of residential housing development into the countryside would domesticate and urbanise the building and its landscape setting. Irrespective of its relative isolation, the proposal would be conspicuous including to users of the FP network. It would not make a positive contribution to sense of place or local distinctiveness nor to the outstanding landscape and scenic beauty of the National Park.
19. Therefore, the proposal would harm the character and appearance of Lower Barn and the countryside. It would conflict with LP policies L1, L2, L3, SP2 and SP4. These require, among other things, that development should be sensitive to traditional character and appearance and landscape setting, conserving historic character and appearance and that it should further the statutory National Park Purposes. It would conflict with the advice in the Yorkshire Dales Design Guide Adopted 2017. It would conflict the Framework, including in relation to adding to the overall quality of the area, maintaining a strong sense of place and enhancing valued landscapes, and the great weight afforded to conserving and enhancing landscape and scenic beauty in National Parks.

The provision of a safe and suitable access

20. The proposal would be accessed via the unadopted road that serves Combe House, Upper Barn and several other properties including residential dwellings and farms. It functions as a FP for at least part of its length. It is accessed from a narrow rural road subject to the national speed limit.
21. The highway is only lightly trafficked and vehicles are likely to be travelling at speeds below the national speed limit. However, visibility in and out of the junction is constrained by the local topography and the stone walls that border the highway and the unadopted road. I accept that the appellants carried out a speed survey which found that vehicles were travelling close to 20mph on the highway, and they consider that the appropriate visibility splays could easily be accommodated. However, neither the speed survey nor plans that demonstrate adequate visibility splays have been provided.
22. There is little before me in terms of the number, type and speed of vehicles and vulnerable road users using the highway and the unadopted access road. However, the access is used by domestic and commercial vehicles and farm vehicles, including that travel beyond the appeal property. It is also used by occupiers of a holiday let that accommodates up to 12 people. The erosion of

the verge on the opposite side of the highway from the junction appears indicative of relatively frequent use of the access road by large vehicles.

23. The unadopted road is long and narrow and twin wheel track in part. There are few passing places other than around the scattered properties. I understand that the appellants have not experienced problems accessing their property. Nevertheless, vehicles meeting along the access road would need to reverse potentially long distances on steep gradients. Vehicles meeting at the junction would be likely to need to wait on the highway and potentially reverse out onto it. Taking into account the length, width and condition of the unadopted road and the highway junction, the access is not suitable for an intensification of use that would inevitably increase the likelihood of conflict between road users.
24. Therefore, the proposal would fail to provide a safe and suitable access to the highway. It would conflict with LP Policy SP4 which requires, among other things, that development has appropriate access and is not prejudicial to highway safety. It would conflict with the aims of the Framework in relation to the provision of safe and suitable access for all users and creating safe places that minimise the scope for conflict between road users.

Other Matters

25. Combe House was in a poor state of repair prior to the grant of planning permission for its restoration and re-use as a dwellinghouse. However, I cannot be certain that a scheme that secured the future of listed buildings is directly comparable to the appeal scheme. Permissions relating to Combe House and Upper Barn do not provide a justification for the proposal.
26. My attention has been drawn to Bower Bank, where a change of use from a studio to a bunk barn was permitted. I understand the appellants consider it to be more domestic in appearance and a more intensive use than the proposal. However, full details of that scheme are not before me. I cannot be certain that it is directly comparable to the appeal scheme.
27. The Council provided pre-application advice in 2017 in relation to a possible residential conversion of Lower Barn. At that time, it considered that, as a traditional barn and un-designated heritage asset, its conversion could be considered under LP policy L2. However, it did not confirm that that a residential conversion and use would be acceptable or that a subsequent application would be granted permission. In any case, the Planning Practice Guidance (the PPG) is clear that the pre-application advice cannot pre-empt the democratic decision making process or a particular outcome in the event that a formal planning application is made.
28. LP policy BE3 permits the change of use of modern buildings to new business and employment uses. A holiday let use of Lower Barn, particularly in conjunction with a holiday let use of Upper Barn, would provide an income and it would provide some employment. However, the evidence before me indicates that the proposal would be a dwelling and it would be suitable for independent residential occupation. It would not be holiday accommodation ancillary to Combe House. On this basis, Policy BE3 does not support the proposal.
29. Notwithstanding the description of the development and the signed Occupancy Restriction Statement, no s106 agreement to control the occupancy of Lower Barn has been provided. It has been suggested that a planning condition could

be imposed instead to require a s106 agreement in line with the occupancy restriction statement dated 10 March 2020. Alternatively, it is suggested that the need for a s106 could be avoided entirely by the imposition of a condition that repeats the occupancy restriction and qualifying persons clauses from the Upper Barn s106. Given the complexities of the issue, and having regard to the PPG and to appeal decisions² elsewhere, I am not satisfied that either condition would be the appropriate mechanism to control the occupancy of the proposal or that they would meet the relevant tests. As I am dismissing the appeal for other reasons, it is not necessary for me to consider the matter further.

Conclusion

30. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.

31. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR

² Refs APP/C9499/W/18/3203569 and APP/C9499/W/18/3215790