



Appeal Decision

Site visit made on 19 October 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/E2734/W/21/3279094

Bankfoot Farm, Askwith Moor Road, High Snowden, Otley, North Yorkshire LS21 2NJ

- 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 Mrs Hollie Crabtree against the decision of Harrogate Borough Council.
 - The application Ref 21/01061/FUL, dated 8 April 2021, was refused by notice dated 8 July 2021.
 - The development proposed is the conversion of agricultural building to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of agricultural building to dwelling at Bankfoot Farm, Askwith Moor Road, High Snowden, Otley, North Yorkshire LS21 2NJ, in accordance with the terms of the application, Ref 21/01061/FUL, dated 8 April 2021, subject to the conditions set out in Schedule 1.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in July 2021 and has replaced the 2019 iteration. The main parties had an opportunity to comment upon the implications of the revised Framework.
3. In its statement of case, the Council indicates that it no longer relies on the third reason for refusal of the application. I have not, therefore, considered this matter further.

Main Issue

4. The main issue is whether the appeal site is a suitable location for a new dwelling, having regard to local and national planning policies.

Reasons

5. The appeal concerns a traditional stone barn located on the north east side of Askwith Moor Road within a small cluster of built form, including modern agricultural barns, a farmhouse and a former stone barn converted to residential use. The appeal barn is currently used for incidental storage of agricultural items. The surrounding landscape is unmistakably rural in character, with a sporadic pattern of development. The site is located within the Nidderdale Area of Outstanding Natural Beauty (AONB).

6. The appeal site lies outside development limits, within the open countryside. Paragraph 79 of the Framework establishes that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In order to ascertain whether the proposed dwelling would be 'isolated' in terms of the Framework, I note that the Council's delegated report accepts that 'the barn lies within the scattered settlement of this part of High Snowden'. The barn also lies immediately adjacent to other dwellings and farm buildings. It is not therefore 'isolated'.
7. Nevertheless, the appeal site is located a considerable distance away from the nearest shops and services. Due primarily to the distance involved, but also the poor highway conditions, including a lack of pavements and street lighting along long stretches of the highway, future residents of the proposed dwelling would likely have a high dependency on a private motor vehicle to meet their everyday needs. There is no evidence before me to suggest that the nearest settlement with facilities could be accessed from the appeal site by public transport. Therefore, in terms of accessibility, the site is poorly located, and the new dwelling would also be.
8. Policy GS3 of the Harrogate District Local Plan 2014-2035 (March 2020) (the LP) notes that outside development limits proposals for new development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy. LP Policy HS6 supports the conversion and/or re-use of existing buildings to residential use from other uses, subject to meeting a number of criteria.
9. The Council has identified the barn as a non-designated heritage asset. Its significance appears to lie in its architectural interest, being a good example of the local vernacular and its traditional agricultural association. It is the most imposing and dominant building within this cluster of built form and is highly prominent from the highway and surrounding network of Public Rights of Way. Given its design and stature, the barn is of important value to the immediate and wider rural landscape.
10. The appeal site also falls within the AONB. The statutory purpose of AONBs is to conserve and enhance the natural beauty of the area. The Framework is clear that great weight is afforded to conserving and enhancing the landscape and scenic beauty of the AONB. The site also lies within the Timble Gill Beck Upland Fringe Grassland Landscape Character Area (LCA), which is a small valley landscape with random field patterns, broad valley sides and well-wooded valley floor. The appeal barn is sited in an elevated section of the LCA and the Harrogate District Landscape Character Assessment (February 2004) (the SPG) advises that development that would result in a loss of, or change to, key characteristics and which does not respect settlement pattern and local vernacular should be resisted.
11. The proposed development is supported by a structural inspection report. Although this report indicates that the condition of the timbers is uncertain and areas of the first floor are dangerous, it concludes that the barn is generally in good structural condition. This aligns with my observations during my site visit. I consider that the elements of the barn which may require attention and repair are not so significant so as to render the building as not being of permanent and substantial construction and structurally sound.

12. The barn does not involve substantial extension, alteration or reconstruction to accommodate the proposed conversion. Existing openings would be utilised and the modern corrugated roof would be replaced with slate, which would complement the traditional design of the barn and reflect the roofs of adjacent dwellings. There would be limited alterations to the stonework and the additional amount of glazing would be negligible and reflect the existing irregular window arrangement. The proposed window frames, which the planning application form indicates would be timber, would respect the character of the barn and could be appropriately conditioned. In terms of design, the proposed conversion would be of a high-quality and sympathetic to the barn's historical and agricultural appearance.
13. The proposed curtilage is limited in size thus restricting the total amount of domestic paraphernalia which could be accommodated within the site. Furthermore, from long range views, the proposed domestic use would be read within the same context of the adjacent residential properties. In terms of the erection of associated structures, it is recognised that the various extensions and alterations which could be carried out to the proposed dwelling under permitted development rights could have a harmful effect on the character of the barn and the wider countryside. However, LP Policy HS6 notes that permitted development rights could be withdrawn for developments where this would occur. This could be appropriately conditioned.
14. The Council has raised concerns that night-time illumination would occur. Whilst I acknowledge that the total number of windows in the proposed dwelling would be considerable, there is nothing before me to indicate that the proposed residential use would result in significant illumination, particularly as curtains or blinds would likely be used in the evenings and when lights would be in use. Due to the small scale of the proposal, it would not result in a significant increase in traffic or parking and thus it would also not harm the countryside in this regard.
15. The proposal would not therefore have a significant urbanising impact on the rural landscape. The barn's agricultural character would remain largely discernible thus it would be in keeping with its wider landscape setting. This proposal offers the opportunity to retain this significant building and put it back into beneficial use rather than being allowed to fall into disrepair which could eventually lead to its total loss.
16. The information before me indicates that there is no evidence of barn owls or other nesting birds within the barn. Accordingly, I consider that the proposal would not have a significant impact on local biodiversity, including protected habitats and species.
17. Taking all the above into consideration, the proposed development would preserve the significance of the appeal barn and its wider landscape setting, including the natural beauty of the AONB. Accordingly, whilst the proposed dwelling would be poorly located in terms of accessibility to shops and services, the proposed development would satisfy criteria A – F of LP Policy HS6 and thus it complies with the Council's spatial strategy as a whole. It therefore accords with policies GS3, HP2, HP3, HS6 and NE4 of the LP, the Harrogate District Heritage Management Guidance Supplementary Planning Document (November 2014), the SPG, the Framework and the Planning Practice Guidance. Collectively these policies and guidance seek to ensure that

developments are in the right location and that the conversion or re-use of rural buildings are in keeping with and contribute positively to the character and historic interest of the building and its wider setting.

18. The Farm Buildings Design Guide (1986) is referenced within the Council's decision notice however, as it concerns the design of new agricultural buildings, I consider it is not relevant to the main issue in this appeal.

Conditions

19. The Council provided a list of suggested conditions which the appellant had an opportunity to make a submission on, however no comments have been received.
20. Other than the standard time limit and approved plans conditions, I have attached a condition regarding the submission of materials as I consider this is necessary to protect the character and appearance of the barn and the wider area.
21. The Council has recommended a condition which requires the parking spaces and turning areas to be kept clear and available at all times. This information has not been provided in any submitted plans. Whilst I note that the appeal site could reasonably accommodate a number of vehicles and there is good turning space, as the appeal site bounds the entrance to the adjacent agricultural barns there could be conflict between parked vehicles of the future occupiers of the barn and users of the farm buildings. Accordingly, I consider it is necessary, in the interests of highway safety and the operation of the adjacent farm, for further information to be submitted regarding the layout of parking, thus have attached a suitable condition.
22. In the interests of the living conditions of neighbouring occupiers and future occupiers of the proposed barn, I consider it necessary to attach a condition requiring the north west side windows of the barn to be obscurely glazed.
23. To promote sustainable transport it is necessary to attach a condition regarding an electric vehicle charging point.
24. The appeal site is a significant distance from the public highway and no details have been provided regarding the storage of refuse and how it would be presented on collection days. I therefore consider it necessary to attach a condition requiring the submission of details of refuse storage and collection arrangements.
25. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. In this case, I consider that it is necessary to remove certain permitted development rights in order to protect the character and appearance of the barn as a non-designated heritage asset and the wider landscape.
26. Although the Council has not recommended a condition regarding land contamination, I note their comments and uncertainty around this matter. Therefore, in the interests of future occupiers, I consider it necessary to attach a condition relating to the potential discovery of contamination during construction.

Conclusion

27. The proposed development complies with the development plan and there are no other considerations which indicate that permission should be refused. Therefore, the appeal is allowed.

H Ellison

INSPECTOR

Schedule 1

- 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: Location Plan, Proposed Site Plan Block Plan (No 107), Proposed Plan Ground Floor (No 108), Proposed Plans First Floor (No 109), Proposed Plans Roof (No 110), Proposed Elevations SW, NE, NW and SE (No 111), Proposed Site Elevations SW, NE, SE and NW (No 112).
- 3) No development involving the use of any facing or roofing materials, or windows, shall take place until details or samples of the materials to be used in the construction of external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The dwelling hereby permitted shall not be occupied until details of the vehicle parking layout has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) The dwelling hereby permitted shall not be occupied until the windows on the north west elevation at ground floor serving the games room and first floor serving bedroom 1 have been fitted with obscured glazing at level 3 or higher on the Pilkington Scale and once installed the obscured glazing shall be retained thereafter.
- 6) The dwelling hereby permitted shall not be occupied until a scheme for the provision of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. Once installed the charging point shall be retained thereafter.
- 7) The dwelling hereby permitted shall not be occupied until details of refuse storage and collection arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 Part 1 and Part 2 shall be undertaken without the express consent in writing of the local planning authority other than those expressly authorised by this permission: Part 1, Class A, B, C, D, E, F and G and Part 2, Class A and Class C.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the

Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

END OF SCHEDULE