
Appeal Decision

Site visit made on 16 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/N2739/W/21/3277424

Catterton Barn, Moor Lane, Catterton, North Yorkshire LS24 8JJ

- 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 J King against the decision of Selby District Council.
 - The application Ref 2019/1232/FUL, dated 25 November 2019, was refused by notice dated 23 December 2020.
 - The development proposed is a partial rebuild and change of use of agricultural barn to residential use (C3) to provide holiday accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description given in the banner heading above is taken from the decision notice rather than the planning application form as it more accurately describes the proposal. I note that the appellant has used this same wording in their appeal form and as such, this does not appear to be in dispute.
3. The appellant's final comments, the Council's appeal statement and representations from interested parties all postdate the publication of the updated version of the National Planning Policy Framework (the Framework) published in July 2021. I am therefore satisfied all parties have had the opportunity to consider the changes to the most recent version. I have proceeded with reference to the 2021 Framework in my decision.
4. I have had regard to the appellant's contention that Policies ENV1 and RT11 of the Selby District Local Plan Part 1 (LP) (adopted February 2005) should be attributed very limited weight in the determination of the appeal due to their age and degree of consistency with the Framework. However, paragraph 219 advises existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework.
5. From my reading, although ENV1 is wide-ranging in its aims, it is broadly consistent with the relevant provisions of the Framework, including ensuring the design of development does not harm the character of the area. Policy RT11 encourages the development of tourism accommodation within or outside development limits of settlements, although the latter is contingent on several criteria relating to the re-use of, or extension to, an existing building.

6. Paragraph 84 of the Framework supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings as well as sustainable rural tourism.
7. Framework paragraph 85 recognises such sites may be beyond existing settlements, and in locations that are not well served by public transport. Regardless, the Framework still places an emphasis on development to exploit any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport), while the use of previously developed land, and sites that are physically well-related to existing settlements, are encouraged. While Policy RT11 applies a more rigid approach than the Framework insofar as it does not generally permit new build tourism accommodation outside of settlements, the aims of RT11 broadly align with paragraphs 84 and 85 insofar as they seek to strike a balance between location and associated benefits of tourism development. As such, I attribute moderate weight to this policy.
8. I understand the appellant is concerned that the Council has considered the proposal as a permanently occupied dwelling rather than a holiday let. While this may have been discussed at the committee meeting, the officer report and decision notice make clear reference to the intended use of the building for tourism. In any event, I have considered the proposal on this basis for the avoidance of doubt.
9. My attention is drawn to a Prior Notification¹ application at the appeal site for the change of use of a barn to a dwellinghouse in 2014. It is claimed this demonstrates the conversion of the barn to a dwelling or holiday let is achievable. However, the appellant's appeal statement states that *the original structure on the site was demolished and the current part completed structure erected following the granting of a Prior Notification application*. The building is also currently the subject of enforcement action from the Council as the building was demolished and the 'conversion' did not occur.
10. I observed on the site visit the existing structure consists of structural blockwork and facing red brick, although it was clearly not complete. Notwithstanding the current status of enforcement action, the Prior Notification procedures have their own considerations. While the existing structure may have stood in situ since 2016, I am not aware of an application for a Certificate of Lawfulness. Moreover, a previously dismissed appeal decision² on the same site for *change of use from agricultural to residential and erection of single storey dwelling to replace the recently demolished barn* was also assessed on the basis of the previous structure having been removed. As such I have determined the appeal proposal on the basis of new development which constitutes the partial rebuild of the existing structure rather than a conversion.
11. Both main parties have drawn my attention to the emerging Local Plan, although I have little detail on this. I understand this is at a very early stage and no policies are available at this time. As such this carries no weight in the determination of this appeal.

¹ 2014/0828/ATD

² APP/N2739/W/17/3174472

Main Issues

12. The main issues are whether the appeal site would represent a suitable location for the proposal with regard to the spatial strategy for the plan area and the effect of the proposal on the character and appearance of the area.

Reasons

Whether Suitable Location

13. Policy SP2 of the Selby District Core Strategy Local Plan (CS) (adopted October 2013) sets out the spatial strategy of future development within the plan area with most being directed to towns and designated service villages. For the purposes of SP2, the appeal site is located outside of development limits and is therefore in the countryside. SP2(c) states in this scenario, development will be limited to, among other things, well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance and improve the vitality of rural communities, in accordance with Policy SP13.
14. SP13 states sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported. This includes rural tourism and leisure development, among others.
15. Catterton has no shops, services or facilities and although there is a daily bus service, this is described as infrequent. The appellant argues the appeal site is located a 3.5km walk from Tadcaster which provides good access to local services, facilities and public transport. Be that as it may, from my observations on the site visit the most direct walking route would involve travelling Catterton Lane, a narrow and unlit road heading towards the A64, a heavily trafficked dual carriageway with a national speed limit. As such, walking to Tadcaster is unlikely to be a desirable option for future users of the holiday let, who would in all likelihood favour private vehicles to access services and facilities in nearby towns and villages.
16. There would be some economic benefits of the proposal, including the initial cost to rent the accommodation which is prevalent in light of the ongoing pandemic, economic recovery and the aspirations of the tourism department of the Council to increase visitor numbers to the area. However, this would invariably be limited given the size of the building which would cater for small numbers per rental. While there is reference to the expansion of the appellant's business, I have no information on this other than reference to a smallholding.
17. Moreover, there is no information before me as to how the proposal would enhance and improve the vitality of a rural community such as Catterton, given the absence of services or facilities. While it is claimed local materials and employment would be used in the construction of the building, there is no guarantee either would occur. In any event, the building is partially constructed, and the scale of the project would be of little benefit in terms of enhancing the local community.
18. The appellant would be agreeable to a condition attached to any grant of permission to restrict the use of the building to holiday letting. However, for the reasons given above this would not overcome the harm I have identified.

19. Based on the above, the location of the proposal would not be suitable with regard to the spatial strategy of the plan area and as such would conflict with Policies SP1, SP2 and SP13 of the CS and Policy RT11 of the LP, albeit conflict with the latter is afforded only moderate weight. These seek, among other things, to ensure development for leisure and tourism facilities bring sustainable economic growth through local employment opportunities or expansion of businesses. The proposal would also be contrary to the Framework, which advises in paragraph 85 that sites to meet local business and community needs in rural areas exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Character and Appearance

20. The appeal site comprises part of an agricultural field located within Catterton. Development here is sporadic and largely follows the road which runs through the settlement, although the character of the area is predominantly rural. The appeal site forms part of an agricultural field while Catterton is surrounded on all sides by open countryside. The host field therefore contributes positively to both the rural setting of the village and open landscape character of the area.
21. The proposal would lead to an urbanising incursion into a part of the field that would detract from its inherent undeveloped character. This would be compounded by inevitable domestication such as an established curtilage and off-street parking. Moreover, the location of the building would be prominent in the local area which would compound the harm. I understand some local people have expressed dissatisfaction with the current appearance of the site and that the proposal would improve this. However, I understand there are ongoing discussions regarding the status of the building which are outside of my remit. In my determination of this appeal, I have considered the proposal as it was presented to me, and as such any perceived improvement to the appearance of the site does not persuade me the proposal is acceptable.
22. I have considered the use of the building, which the appellant argues would be less intensive than a permanently occupied dwelling, including visitor trips, while occupation would be intermittent. Be that as it may, the structure would be permanent, and its occupation would not alter its appearance and incursion into a rural setting. While I understand the appellant would be willing to accept conditions to relinquish permitted development rights, my assessment is based on the proposed plans and as such, removing these rights would not be sufficient to alleviate the harm to the character and appearance I have identified.
23. To conclude, the proposal would harm the character and appearance of the area. This would be contrary to Policy SP19 of the CS and Policies ENV1 and RT11 of the LP. Collectively, these seek, among other things, to ensure development proposals achieve high quality design and have regard to the local character, identify and context of its surroundings, including open countryside.

Other Matters

24. My attention is drawn to several applications approved by the Council which are similar to the appeal proposal insofar as they proposed holiday lets outside of development limits. However, I have little information on these, such as locational context. In any event, these would have had their own site-specific

circumstances which led to their approval and their existence does not convince me the proposal before me is acceptable.

25. I acknowledge there is local support for the proposal alongside one objection. An interested party has drawn my attention to an appeal decision³ for a similar proposal which was allowed. I have little information on this, although I note the Inspector in that decision afforded little weight to Policy RT11. This is a matter of planning judgement for the decision maker, although even if I were to afford less weight to RT11, this would not have altered my overall conclusion based on my assessment above. While I have considered the representations, these are afforded limited weight in favour of the proposal.
26. I have had regard to the appellant's statement which advises there are no objections from the Council with regards to highway safety and impacts on the living conditions of occupiers of nearby dwellings, among others. However, the lack of harm or objection neither weighs in favour or against the proposal.

Conclusion

27. The proposal would conflict with the development plan taken as a whole. While I have considered the benefits of the proposal, these are limited in scope and would not outweigh the harm I have identified. As such, 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.

C McDonagh

INSPECTOR

³ APP/N2739/W/21/3271978