



Appeal Decision

Site Visit made on 16 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/C9499/W/21/3279882

Sunnyside, Barbon, Carnforth, Lancashire LA6 2LS

- 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 Lee Dancy against the decision of Yorkshire Dales National Park Authority.
 - The application Ref S/04/12C, dated 17 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is the conversion and extension of existing detached garage to form self-contained holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of existing detached garage to form self-contained holiday accommodation at Sunnyside, Barbon, Carnforth, Lancashire LA6 2LS in accordance with the terms of the application, Ref S/04/12C, dated 17 December 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. As part of the appeal documentation, the appellant submitted an amended site block plan which more clearly identifies parking areas as well as a vehicle turning area. This plan is not substantially different to the one on which the Authority made its decision and would not change the nature of the proposed development. I have therefore taken account of this amended plan in my decision. An amended plan was also submitted which omits the proposed Juliet balcony on the north elevation. Although this would alter the appearance of this elevation, the development proposed would not be so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. I have therefore taken account of this amended plan in my decision.

Main Issues

3. The main issues are:
 - whether the appeal site is a suitable location for the proposed development having regard to the development strategy for the area and its effect on the character and appearance of Sunnyside and the wider area; and
 - the effect of the proposed development on the safe use of the highway.

Reasons

Suitable Location

4. The appeal site lies to the north west of Barbon village centre. It comprises an existing detached double garage within the grounds of Sunnyside which is a two storey stone built dwelling. The proposed development would involve the extension and conversion of the garage to form holiday accommodation. An area of outdoor amenity space would be provided to the south and east.
5. Policy CS1.2 of the South Lakeland Local Development Framework Core Strategy, adopted 2010 (the CS) sets out a development strategy based on a settlement hierarchy of principal, key and local service centres, and smaller villages, hamlets and open countryside. Barbon is defined in policy terms as a smaller village or hamlet. In such locations, the policy allows for new small-scale infilling and rounding off development to satisfy local need.
6. The supporting text for this policy provides definitions of infilling and rounding off. Infilling is defined as "building taking place on a vacant plot in an otherwise built-up street frontage". Rounding off is defined as "the completion of an incomplete group of buildings on land which is already partially developed, in such a way that will either complete the local road pattern or finally define and complete the boundaries of the group". The definition goes on to state that such rounding off should not change or distort the character or tradition of the group or the settlement in any undesirable way; extend the grouping in such a manner that, when the development has taken place, undeveloped areas remain or further land is opened up where pressure for development is likely to occur; cause undesirable backland development unrelated to a proper street layout, amongst other matters.
7. Policy CS8.2 of the CS expects new development to protect, conserve and where possible enhance the special qualities of the environment associated with the nationally designated areas of the National Park; the special qualities and local distinctiveness of the area and the distinctive settlement character, amongst other matters. This policy also sets out that the identified green gaps should contribute to maintaining a settlement's identity, landscape setting and character, and comprise predominantly open land maintaining an 'open' aspect.
8. Both parties agree that the proposed development would not meet the definition of small-scale infilling set out in paragraph 2.25 of the CS. Although the proposal would make use of an existing building, it could not be described as completing an incomplete group of buildings in such a way that will either complete the local road pattern or finally define and complete the boundaries of the group. The proposed development would not therefore conform with the definition of rounding off development within the supporting text to Policy CS1.2.
9. The layout of the built form in Barbon is, however, mixed. It consists of a number of separate clusters of buildings, several of which have narrow accesses serving the properties to the rear. These clusters are interspersed with open land, generally comprising small fields. The areas of open land are an important part of the character and appearance of the village. There is also some linear development along the roads that run out from the village. Thus, with reference to the characteristic spatial form of development here, it may be challenging for any development that meets the strict definition of infilling or

rounding off to be achieved. I note the Planning Practice Guidance acknowledges how a wide range of settlements can play a role in delivering sustainable development in rural areas.

10. The proposed development has some of the characteristics of backland development in that it would be located within the garden of Sunnyside and would be accessed through the plot of this property. However, given its location between Sunnyside and Orchard Cottage to the east, it would not visually present as such when viewed from many perspectives within the village or wider area. Access through the plot of Sunnyside would not be an incongruous arrangement when compared to a number of the clusters of buildings elsewhere in the village.
11. The built form of Barbon gives it a loose knit open character. The garage is some distance from Sunnyside and Orchard Cottage, both spatially and visually, and this would be retained with the proposed development. It would not therefore detract from this distinctive characteristic.
12. The Authority states that part of the site lies within a green gap. The site lies at a lower level than the main road through the village and the village centre. Although the proposed development would be visible from the public right of way that runs adjacent to its northern boundary, it would not be prominent in views from the majority of the village or the wider area due to its siting at a lower level as well as the screening effect of the trees associated with the beck and garden areas, even with the proposed increase in height and footprint.
13. The open aspect afforded in views across the garden areas towards the east and west at this point would remain relatively unchanged due to the screening effect afforded by the trees and the existing properties of Sunnyside and Sunnyside Cottage. Furthermore, a reasonable distance would be maintained between the proposed development and the two nearest properties to the west and east. As such, views across the open land would be maintained, the open aspect of the area would not be diminished, and the contribution that this gap makes to the character and setting of Barbon would be preserved.
14. The Juliet balcony would be on the north elevation and although it would be seen from the public right of way, other views would be limited. Notwithstanding this, the amended design proposed for the north elevation, with a smaller window, would result in a much simpler elevation, more in keeping with the character of the building and its context. I have therefore based my decision on this amended design.
15. The proposal would result in a building with a greater height and footprint. It would therefore appear as a more substantial building than an ancillary garage. However, given the separation distance and modest mass and scale of the proposed development, it would not have a dominating effect on Sunnyside. The garage is constructed from a mix of render and stone with a slate roof. These materials would be retained with the proposed development. The materials proposed would sit comfortably with Sunnyside and would not appear out of place with other properties within the village.
16. Concluding on this main issue, although the proposed development would not strictly satisfy the definitions of infilling and rounding off set out in the supporting text to Policy CS1.2, it would be of a small scale and would not result in an incongruous feature in terms of the village's character or an

outward extension of the built form of the village. It would not therefore change or distort the character of the village in an undesirable way. The proposed development would not open up pressure for further development nor would it cause undesirable backland development unrelated to a proper street layout. It would therefore be generally consistent with the broad aims of the development strategy for settlements in this lower tier of the hierarchy, as articulated in the supporting text to Policy CS1.2 setting out the potential negative effects of rounding off development. The site would therefore be suitable for the proposed use.

17. The location of the proposed development and its design would not have a harmful effect on the character and appearance of Sunnyside. The special qualities and distinctive character of Barbon, including the open gap, and that of the wider landscape would be maintained. The proposed development would not therefore have a harmful effect on the character and appearance of the area. Accordingly, it would accord with the requirements of Policy CS8.2 of the CS and the design objectives set out in paragraph 130 of the National Planning Policy Framework 2021 (the Framework). There would also be no conflict with the statutory purposes of the National Park.

Highway Safety

18. The site would be accessed via an unsurfaced single vehicle width track that is also a public right of way. It is bounded by a stone wall on its western side and by a number of properties on its eastern side. It joins the main road in between two lengths of stone wall with a very small grass splay on both sides. The main road slopes upwards as it enters the village from the west until it levels out at a point just to the east of where the access track joins it.
19. My attention has been drawn to a previous appeal decision for a dwelling on a nearby site that would also have made use of the access track. In that case, the Inspector noted that visibility from the access track is restricted by the walls on either side and that motorists would have to exercise caution. The Inspector identified the low level of vehicle movements on the main carriageway; the fact that the access is existing and currently used by three other dwellings and no evidence was provided of accidents in the area. Given this and from observations during the site visit, he did not consider that the existing access was so constrained in relation to the prevailing road conditions that it could not safely accommodate the level of vehicle movements generated by a single additional dwelling.
20. There has been very little change in circumstances from that previous appeal decision. Visibility is still restricted by the stone walls on either side and some caution would have to be exercised when exiting on to the main road. I also observed a low level of vehicle movements during my site visit on a weekday afternoon. There is nothing to suggest that this is atypical. Several cars were parked on the main road near to the junction, but these did not unduly compromise visibility given the change in height. Based on the submitted information, four dwellings currently use the access track for vehicle access, with occupiers of Barbondale Cottage only using it for pedestrian access as that property has no onsite parking provision.
21. Although the access track now appears to be used by four dwellings compared to three when the previous Inspector considered its acceptability, from the information presented, the baseline position and the vehicle movements likely

to be generated would not be significantly different to warrant me taking a different view on the acceptability of the access track. I therefore conclude that the proposed development would not have an unacceptable effect on the safe use of the highway. As such it would accord with Policy CS10.2 of the CS, which requires proposals to provide for safe access, amongst other matters.

Other Matters

22. My attention has been drawn to a grade II* listed building, Beckside House, located to the north of the site. It is possible to see glimpses of the listed building from the site. However, given the intervening distance, the screening effect of the dense trees along the stream and the nature and scale of the proposed development, there would be no harm to the setting of the listed building or its significance as a heritage asset. In reaching this conclusion, I have had regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. Policy CS1.2, insofar as smaller villages and hamlets are concerned, is framed in terms of enabling some development to "satisfy local need". Whilst that appears to relate principally to new housing, nevertheless tourism is an important component of the local area, and Framework paragraph 84 supports the sustainable growth and expansion of all types of business in rural areas, including rural tourism. I note there is similar support for tourism, albeit qualified, in the development plan. In that context, I am not of the view that the scheme would conflict with the principle of meeting local need; there would inevitably be some benefits arising by consequence of the proposal here.

Conditions

24. I have considered the conditions suggested by the Authority, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
25. A condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. In the interests of character and appearance, a condition is necessary to ensure that the stone to be used matches Sunnyside, that the existing roof slates are retained and used in the roof and that any new slates match. For the same reasons, it is necessary to include a requirement that conservation roof lights are installed. A requirement to install bird or bat bricks is necessary in the interests of biodiversity in line with Policy CS8.4 of the CS, and a condition is required to ensure the protection of trees during any demolition or construction works. As the proposal is for tourism purposes, it is necessary to restrict it to this use and for a register of occupants to be kept.
26. In the event that I allow the appeal the Authority has suggested that a legal agreement under section 106 of the Town and Country Planning Act 1990 is submitted. However, no evidence has been presented on what obligations are sought and I have reasoned above that in substance and subject to certain conditions the scheme would be acceptable. On this basis, and the evidence before me, a section 106 agreement is not necessary.

Conclusion

27. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/06-01; 20/06-02; 20/06-04 rev B; 20/06-06.
- 3) Notwithstanding the approved plans the development shall be carried out in accordance with the following details, which shall be retained as such thereafter:
 - i. The external walls of the porch extension on the west elevation as shown on plan 20/06-06 shall be completed with stone to match those of the property of Sunnyside as at the date of this decision;
 - ii. The existing roofing slates shall be retained and used as the exterior roof covering of the building. Any additional slates shall be of the same kind, dimensions and colour as those on the building at the date of this decision;
 - iii. New rooflights shall be of 'conservation style,' fitted flush with the adjoining roof surface and shall not project above the plane of the roof;
 - iv. Two integrated bird or bat bricks shall be installed within the fabric of the building.
- 4) The development hereby permitted shall be carried out in accordance with the mitigation measures set out in section 5 of the Arboricultural Impact Assessment for Proposed Annex dated 4 February 2021 prepared by Yew Tree and Gardens.
- 5) The development hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main residence. The owners/operators shall maintain an up-to-date register of the names and addresses of all owners/occupiers of the holiday unit and shall make this information available at all reasonable times to the local planning authority.