



Appeal Decision

Site visit made on 22 November 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2021

Appeal Ref: APP/A4710/W/21/3279287

Follyroyd Cottage Stables, Oldroyd Road, Todmorden OL14 6BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Graham Davy-Day against Calderdale Metropolitan Borough Council.
 - The application Ref 20/01508/FUL is dated 10 December 2020.
 - The development is proposed demolition of existing stables and construction of two new one bedroom holiday flats.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed demolition of existing stables and construction of two new one bedroom holiday flats at Follyroyd Cottage Stables, Oldroyd Road, Todmorden OL14 6BE in accordance with the terms of the application Ref 20/01508/FUL, dated 10 December 2020, subject to the attached schedule of conditions.

Preliminary Matters

2. The appeal is against the non-determination of a planning application. The Council has not expressed whether they would have granted or refused planning permission. Therefore, my decision is based on the evidence before me.

Main Issue

3. The main issue is whether the scheme would be an appropriate form of development in this location.

Reasons

4. The appeal site includes an existing stable block located within land designated as 'Area Around Todmorden' under the Replacement Calderdale Unitary Development Plan (2006) (UDP). The appellant's Design and Access Statement refers to Policies NE 8 and E 11 of the UDP.
5. Policy NE 8 states that within the Area Around Todmorden, as defined on the Proposals Map, development will not be permitted except for certain circumstances and development which is appropriate should not detract from the visual amenity of the open countryside. Development permitted in this area includes ii. the re-use and adaptation of existing buildings and iii. the extension or alteration of existing buildings (including the provision of attached or

freestanding domestic garages within the curtilages of existing dwellings) providing that it does not result in a disproportionate addition over and above the size of the original building.

6. Policy E 11 of the UDP relates to visitor accommodation. It states that for new hotels, motels, or other visitor accommodation which re-use appropriate buildings in the Area Around Todmorden development will be permitted provided that the proposal complies with a listed criteria.
7. Having regard to the description of development, the scheme proposes to demolish the existing stable block and to construct a new building. Therefore, the development does not propose to re-use an existing building. The information before me does not provide details regarding the structural condition of the existing building and whether it is capable of re-use. Consequently, the proposed development would not comply with local planning policy. The proposal would therefore be contrary to the development plan, which is the starting point for decision-making.
8. For the reasons given above, the scheme would conflict with Policies NE 8 and E 11 of the UDP which seek, amongst other matters, to support sustainable visitor accommodation through re-using existing buildings in the Area Around Todmorden.

Other Matters

9. The appellant has referred to various parts of the National Planning Policy Framework (the 'Framework')¹ which the proposal would comply with. I acknowledge that the area has limited holiday accommodation and the Framework aims to support a prosperous rural economy and decisions should enable sustainable rural tourism developments which respect the character of the countryside. In addition, decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
10. I have had regard to the consultation responses and comments submitted by local residents. An acceptable Bat Roost Assessment and a Land Stability Appraisal and Soakaway Assessment have been carried out.
11. Todmorden train station, a bus service, a national cycle route as well as local services and facilities are located nearby. This means that occupiers of the holiday flats would not need to be fully reliant on the use of a private car. Thus, occupiers of the holiday flats could utilise public transport and could walk and cycle to local services and facilities.
12. The proposed building would be similar in scale and design to the existing building. Given the topography of the area, the development would not be conspicuous and would not detract from the visual amenity of the surrounding area. The proposal would be of an appropriate scale, character and function to the locality. Furthermore, the proposal would not result in environmental, amenity, safety, highway or other problems being created. Although the proposal is limited in scale, it would help support the local, rural economy including through tourism expenditure in local shops and services.
13. Oldroyd Barn and Oldroyd Farm are listed buildings to the north west of the appeal site. Taking into account the distance of the proposal from the heritage

¹ Including paragraphs 47, 84, 174, 179 and 183

assets and the design of the scheme, I am satisfied that the development would have a neutral effect on the heritage assets and their setting. The scheme would not interrupt views of the listed buildings, nor would it have any notable impact upon how the listed buildings are experienced. This is a neutral consideration and does not weigh in favour of the appeal.

Development Plan Balance

14. The proposal would be contrary to the development plan. However, the development essentially proposes to rebuild the existing building to provide holiday flats. As mentioned, the proposal would be appropriate in scale, character and function as well as being located in an accessible location which would not result in environmental, amenity, safety or highway issues. It would also result in economic benefits and would comply with the aims of the Framework. Based on the evidence presented, these material considerations would be of sufficient weight to indicate that the decision should be made other than in accordance with the development plan. For all these reasons, the proposal would be an appropriate form of development in this location and planning permission should be granted.

Conditions

15. The Council has not suggested any planning conditions they consider should be imposed if planning permission is granted. I have had regard to the conditions suggested within the consultation responses, including highways and countryside services.
16. It is necessary to attach a condition specifying the approved plans as this provides certainty. Conditions relating to materials and landscaping are necessary in order to preserve the character and appearance of the area. In addition, a condition is necessary to restrict the occupation of the building to ensure that it is not occupied as a person's sole or main place of residence. It is also reasonable and necessary to attach a condition relating to a bat roosting feature to enhance the biodiversity value of the site. In the interest of natural justice, the main parties were given the opportunity to comment on these conditions and they both confirmed that the conditions were acceptable.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal should be allowed subject to the attached conditions.

L M Wilson

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: 250 01001 Rev 01 (location plan), 250 04101 Rev 01 (proposed plans) 250 05101 Rev 01 (proposed elevations) and 250 04103 Rev 01 (proposed site plan).
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - Boundary treatment(s);
 - Vehicle parking layouts;
 - Hard surfacing materials;
 - planting plans (including schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate).

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) The hereby approved development shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. It shall not be occupied for a period exceeding 6 weeks by the same household. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all occupiers of the holiday flats and shall make this register available at all reasonable times to the local planning authority on written request.
- 6) Prior to the completion of the walls, a single permanent bat roosting feature shall be installed within the fabric of the building as close to the SW facing roofline as possible (but not directly above any windows or doors), details of which shall be first submitted to and approved in writing by the local planning authority. The bat roosting feature shall be installed in accordance with the approved details and shall be retained thereafter.