



Appeal Decision

Site visit made on 7 September 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/C2708/W/22/3299022

Field House Farm, Draughton, Skipton BD23 6ED

- 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 Cameron Jones & Samantha Tankard against the decision of Craven District Council.
 - The application Ref 2021/23572/FUL, dated 10 December 2021, was refused by notice dated 24 January 2022.
 - The development proposed is conversion of barn to single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have removed reference to this being a re-submission of a previous proposal from the description above as it does not describe an act of development.

Main Issue

3. The main issue is whether the proposal is an appropriate form of housing development in this open countryside location, with particular regard to whether the scheme amounts to re-use of the existing building or re-build.

Reasons

4. The appeal site lies to the east of the village of Draughton, accessed along a narrow country lane. The proposed development relates to a modern agricultural barn, utilitarian in appearance, comprising of a timber frame, with open timber panelling atop concrete block walls to most elevations, and a monopitch cement sheet roof. The barn is detached from other buildings at Field House Farm, which lie further along the access track to the north. Surrounding land is primarily grazing land with open views across the valley, albeit one dwelling is sited to the north-east.
5. Both parties agree that the appeal site lies within the open countryside. It is detached from the village, which provides few services and facilities. In order to achieve a sustainable pattern of growth, Policy SP4 of the Craven Local Plan 2012 – 2032, Adopted 12th November 2019 (LP) specifies criteria whereby residential development in the open countryside will be supported. The parties agree that only criteria K, point C of LP Policy SP4 is relevant to the proposal. No evidence is provided to demonstrate that the proposal could be considered under any other points of criteria K.

6. LP Policy SP4 criteria K, point C has two requirements. Firstly, the proposal must involve the re-use of one or more redundant or disused buildings. Secondly, that the proposal would enhance the immediate setting. Again, the main parties agree that the proposal would be of an acceptable design, which would enhance the immediate setting. The proposed plans retain the form and scale of the existing building, which is of a size that sits comfortably on rising land, with established mature trees to the south on higher ground. The proposed design is a contemporary take on the existing structure, whilst utilising similar materials to the existing, along with local stone that is evident in the area. I therefore agree with both parties that the scheme would enhance the immediate setting.
7. Therefore, the area of dispute between the main parties is whether the extent of the building works required to alter the barn to a dwelling, amounts to re-use or re-build. This is a matter of fact and degree, requiring planning judgement in each case. A re-build would amount to a new dwelling and would not therefore benefit from the policy support provided by LP Policy SP4 criteria K, point C.
8. The proposed plans are stated as being consistent with the submitted structural information comprised within the Barn Conversion Report (BCR). This report describes the construction of an insulated box within the existing structure. It states that the existing floor slab can be used as a base for a new insulated floor, as well as supporting insulated timber framed perimeter walls, with a new insulated roof covering installed under existing purlins. A new composite panel roof would be added, supported by the existing timber structure, which ties into the existing floor slab. The report indicates that new external walls, which would be constructed of random local stone with larch boarding above, would also be supported off the floor slab, and that the new inner wall and frame system would be tied to these external walls, to ensure robustness. These inner walls would then support new full height glazing panels.
9. The building works set out within the BCR are extensive, utilising only the floor slab and timber frame of the existing building, requiring a new floor above the slab, new external walls and roof covering. Further, the BCR indicates that the majority of these new build elements would rely on the timber frame and consequently the existing floor slab for structural support. Whilst the BCR states that there were no signs of settlement or movement of the foundations, it confirms that no exposure or investigation of the existing foundations has taken place. As such, no detailed information or calculations are provided to demonstrate that the existing floor slab is capable of taking the additional load of the proposed building works, without further structural works.
10. Further, only an initial assessment of the timber frame appears to have been undertaken, and several references suggest this existing frame will require further strengthening works. The report references that the timber posts are held in place to some degree by virtue of being built into the perimeter wall and that the foundation support to the timber posts is currently unknown. Steel collars are recommended to secure the timber posts to the existing slab, however, as set out above, the structural condition of the existing floor slab has not been evidenced. Calculations are recommended for the purlins and rafters to establish if additional timber members are required, and purlin and rafter connections require replacement for robustness.

11. The proposed building works would comprise replacement of much of the external envelope of the building. In totality, the works would be more akin to rebuild rather than a re-use. Only the existing timber frame and floor slab would be retained, and whilst these would be key structural components to the new envelope, I have not been provided with the evidence or calculations to demonstrate their integrity, and the full extent of any additional strengthening works required, sufficient to understand the building operations needed. Based on the information before me, I am not satisfied that the proposal would amount to a re-use of the building. Therefore, the proposal has not demonstrated compliance with any of the criteria set out within LP Policy SP4 to justify new housing in this open countryside location.
12. Whilst the Council has not provided any expert evidence to challenge or refute the BCR, for the reasons outlined above, I share the concerns of the Council.
13. To conclude on this main issue, it has not been demonstrated that the proposal is a re-use of an existing building and so this would not be an appropriate form of housing development in this open countryside location. The proposal does not therefore comply with LP Policy SP4, which seeks to limit the type of new housing in the open countryside, in order to deliver growth throughout the District in a manner that is commensurate with the level of access to services and facilities, in order to achieve a sustainable pattern of development. This is consistent with Paragraph 80 of the National Planning Policy Framework (NPPF), in seeking to limit new housing in the countryside, to promote sustainable development in rural areas.

Other Considerations

14. The personal circumstances of the appellants' family have been brought to my attention with regards to certain medical conditions. Whilst the full implications of this on day-to-day life has not been set out in detail, I can appreciate that having additional support from close family members residing at nearby Field House Farm, would be valuable assistance and re-assurance for the appellants in dealing with these personal circumstances. In turn, this close proximity to family would perhaps benefit these wider family members also, should they need support as they grow older. These personal circumstances are of some substance in this case and I therefore give them a moderate degree of weight in support of the development, within my overall planning balance.

Other Matters

15. The proposal would make a very modest contribution to the District's housing requirements to which I give limited weight, along with any biodiversity improvements resulting from the provision of nesting boxes and the sustainability credentials of the build.
16. Reference is also made to the condition of the existing barn and its degraded state, referencing that the proposed development would improve its appearance, to the benefit of the local area. From my own observations, the barn shares a similar appearance to many agricultural buildings and any physical degradation was not obvious. As such, I give this very limited weight.
17. The appellant highlights agreement with the Council that the development is acceptable in relation to all other planning considerations. Further, confirmation is provided that no rights of way would be blocked as a result of the proposal,

that adequate provision could be made for bin storage and collection, and a willingness to accept the imposition of a condition to control lighting levels. These are neutral matters and do not attract any significant weight in favour of the proposal.

18. Reference is made to planning approval 2022/24036 for two new dwellings served from the same access road, which the appellant states attracted no objections. I have not been provided with the details of this planning permission and so I have not considered it further.

Overall Planning Balance

19. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
20. The proposed development would have some value in meeting the needs of a person who has a protected characteristic. I am required, to make my decision in accordance with the development plan unless material considerations indicate otherwise. For the reasons outlined above, there is conflict with the LP, which is consistent with the NPPF. The development is not therefore in accordance with the development plan as a whole.
21. Whilst I consider that moderate weight should be attributed to the value in meeting the needs of a person who has a protected characteristic, this is not sufficient to outweigh the harm arising from the conflict with the development plan in my opinion. The harm that the development would cause would outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others as well as the need to eliminate harassment and victimisation.
22. The other matters raised do not outweigh the harm identified in relation to the main issue.

Conclusion

23. For the reasons outlined above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR